CALIFORNIA LEGISLATURE—ASSEMBLY.

THIRTY-NINTH (EXTRA) SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, November 27, 1911.

The Assembly met at two o'clock P. M., in pursuance to the proclamation of his Excellency, Hiram W. Johnson, Governor of the State of California, dated the 21st day of November, 1911.

Hon. A. H Hewitt, Assemblyman from the Eighth District, and Speaker of the Assembly, in the chair.

ANNOUNCEMENT.

L. B. Mallory, Chief Clerk, announced that, in pursuance to the requirements of the Political Code, Section 237, the following officers of the Assembly of the thirty-ninth (regular) session of the Legislature were present and in their respective positions: L. B. Mallory, Chief Clerk; H. A. Harper, Minute Clerk, and E. H. Whyte, Sergeant-at-Arms.

The Speaker thereupon directed the Chief Clerk to call the roll of Assemblymen.

The roll was called, and the following members of the Assembly answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crouin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—76.

The Speaker declared a quorum present.

PRAYER.

By invitation of the Speaker, the opening prayer was offered by the Rev. Frank K. Baker, of Sacramento, California.

The Speaker directed the Chief Clerk to read the Governor's proclamation.

The following was read:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened.

Now, therefore, I, Hiram W. Johnson, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Monday, the twenty-seventh day of November, one thousand nine hundred and eleven, at two o'clock P. M. of that day, for the following purposes and to legislate upon the following subjects, to wit:

1. To provide for the expression of the choice of the electors of the State of California for President of the United States; and to legislate concerning a presidential preference primary; and to consider and legislate upon the subject of direct primary for President of the United States wherein and whereby the people of the State of California may express their preference for President of the United States, and may by direct vote select delegates to the national conventions which have for their purpose the choosing of candidates for President of the United States; and to do in behalf of the matters and things herein mentioned all that may be deemed necessary and appropriate.

2. To adjust the senatorial and assembly districts of the State of California and reapportion the representation in the Legislature of the State of California, and to divide the State, in accordance with Section 6 of Article IV of the Constitution, into senatorial and assembly districts; to adjust the congressional districts of the State and to divide the State, in accordance with the Act of Congress approved August 8th, 1911, into eleven Congressional Districts; and to redistrict and divide the State into Equalization Districts in accordance with Section 9 of Article XIII of the Constitution.

3. To enact such modifications of and additions to the election laws of the State of California as may be deemed necessary or expedient to carry out with facility, and effectually and fully, the right of suffrage granted to women by Senate Constitutional Amendment No. 8, adopted by the people October 10, 1911, by which Section 1 of Article II of the Constitution of the State of California was amended; to enact all necessary laws in relation to elections and to registration of electors; to amend the direct primary law of the State of California; and to provide for and to create the office of registrar of voters in the counties where said office is not now provided for or created by law.

4. To provide for the inspection, measurement, and graduation of merchandise, manufactured articles and commodities, and for the appointment of such officers as may be necessary for such inspection, measurement, and graduation.

5. To enact legislation to define the powers and duties of the Railroad Commission and the powers and duties of public utilities, their officers, agents and employees, and the rights, duties and remedies of patrons of public utilities; and to define offenses by public utilities, their officers, agents and employees, and other persons or corporations, and providing penalties for such offenses, and to make an appropriation to carry out such legislation, and to enact legislation providing the method by which cities and counties or incorporated cities or towns may confer upon the Railroad Commission or thereafter reinvest themselves with powers of control vested in them over public utilities.

6. To consider and act upon legislation pertaining to irrigation and irrigation district bonds, and to revise and amend the Irrigation District Act.

7. To consider and act upon an amendment to the Constitution of the State of California, whereby free text-books shall be furnished by the State to the school children of the State.

8. To enact laws and pass resolutions concerning the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on the 27th day of June, 1911, and directing the State Engineer in relation to surveys and procuring data concerning said report, and directing the manner of approval of plans of reclamation upon and adjacent to the rivers and streams of California, and to make an appropriation to pay the expenses of the State Engineer in the performance of such additional duties as may be imposed, and creating a reclamation board and defining its powers.

9. To place under the charge, control, supervision, direction, and designation of the State Board of Control all publications of advertisements by any officer, board or commission of the State; and hereafter to have all advertising provided for by any law or advertising that is paid for, or is a charge against the State, controlled, supervised, directed, and designated by the State Board of Control.

10. To approve or reject the charter of the city of Stockton, adopted by the people of that city at an election held on the 17th day of October, 1911.

11. To approve or reject the charter of the city of Sacramento, adopted by the people of that city at an election held on the 7th day of November, 1911

12. To amend the law relating to highway commissions in counties so that engineers who are not freeholders of their particular counties may become members of the county highway commissions

13. To legislate in aid of "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards," approved April 8, 1911, by requiring employers, physicians, and insurance companies to report to the Industrial Accident Board all facts relative to the happening, cause, nature and seriousness of accidents under their observation, together with such settlements as are made therefor and to require the publication and dissemination by the Industrial Accident Board of information and facts acquired by it, and to amend the law relating to interinsurance so as to permit employers to arrange reciprocal or interinsurance among themselves to indemnify one another against loss caused by accidents to their employees

14. To change, fix, and define the limits and boundaries of Reclamation District 535, and to exclude lands therefrom

15. To consider and amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911.

16. To consider and amend the law creating "The Bureau of Building and Loan Supervision," and the "Building and Loan Commissioner," and to enlarge and increase the powers of the Building and Loan Commissioner

17. To consider and take action upon legislation providing for the manner of exercising the powers of the initiative and the referendum by the electors of the several counties, cities and counties, cities and towns, and other political subdivisions of the State.

18. To consider and take action upon legislation providing for the manner of exercising the powers of the recall by the electors of the several counties, cities and counties, cities and towns, supervisor districts, school districts, and of other political subdivisions and of other public corporations of the State

19. To take legislative action relative to water the use of water, water rights, the appropriation of water, and the appropriation of the use of water, also to reenact, modify, amplify, or amend an Act entitled "An Act regulating and limiting the appropriation of water," etc., approved April 8, 1911

20. To amend Section 29 of the "Bank Act" in respect to reserve of commercial banks

21. To provide for and to authorize the settlement and adjustment of the controversy between the State of California and the Federal Government respecting the school land grants and other grants made by the Federal Government to the State. Also to amend Section 3494 of the Political Code of the State of California, relating to state school and other lands, fixing the price of such lands and the terms and conditions of sale thereof

22. To amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, by extending its operation to the acquiring of land for public library purposes.

23. To amend Section 1855*a* of the Code of Civil Procedure relating to the admission in evidence of abstracts of title therein described by making such abstracts of title admissible in evidence whether made, issued or certified before or after conflagration or other public calamity.

24. To appropriate out of any money not otherwise appropriated the sum of one million five hundred thousand dollars for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November, in the year one thousand nine hundred and ten, as is provided in section fourteen of article thirteen of the Constitution of this State, and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the State, all relating to revenue and taxation" and of said moneys appropriated the sum of seven hundred and fifty thousand dollars or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth nineteen hundred and twelve, and the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, shall be available for the fiscal year ending June thirtieth, one thousand nine hundred and thirteen

25. To amend an Act entitled "An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as and numbered Section 2185c, relating to arrest, hearing, and commitment of inebriates and drug

habitués to a state hospital for the insane,' by providing that persons of bad character and bad repute, apart from the habit of inebriety, shall not be committed as set forth in said Act, and by providing also that it must be determined upon examination, that there is reasonable ground for hope that the person to be committed as set forth in said Act is susceptible to benefit from said treatment, and providing also that the Lunacy Commission shall be given power to discharge a person committed under said Act upon the recommendation of the hospital superintendent, when satisfied that such person will not receive substantial benefit from further hospital treatment

26 To amend Section 1837 of the Political Code of the State of California, by providing that district school taxes voted in any fiscal year may be levied by the board of supervisors in the succeeding fiscal year if not previously levied by said board

In witness whereof, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California at my office in the State Capitol, this twenty-first day of November, in the year of our Lord one thousand nine hundred and eleven, and of the admission of the State of California, the sixty-first.

HIRAM W. JOHNSON, Governor.

Attest: FRANK C JORDAN, Secretary of State

RESOLUTION.

The following resolution was offered:

By Mr. Bohnett:

Resolved, That the following persons constitute the officers of the Assembly with the per diem as fixed by statute

Hon. A. H. Hewitt ..... Speaker
Hon H. G Cattell ..... Speaker pro tem
L. B. Mallory ..... Chief Clerk
T G Walker ..... First Assistant Chief Clerk
H. A Harper ..... Minute Clerk
Ed H. Whyte ..... Sergeant-at-Arms
Rev. Frank K Baker ..... Chaplain

And be it further resolved, That the State Controller be, and he is hereby, directed to draw his warrants in favor of the above named persons, and the State Treasurer is hereby directed to pay such warrants, for and at the fixed per diem.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—76

NOES—None.

Whereupon the Speaker declared the above-named duly elected officers of the Assembly for the thirty-ninth (extra) session of the Legislature

OATH OF OFFICE.

The afore-named officers (elect) of the Assembly, with the exception of the Speaker and the Speaker pro tem., presented themselves at the bar of the Assembly and each took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected, according to the best of my ability

RESOLUTION—(RESUMED).

The following resolution was offered:

By Mr. Preisker:

Resolved, That until further order the Standing Rules of the Assembly at its last regular session be and the same are hereby adopted as the rules of this extraordinary session, and with the exception that Rule 1 shall be amended to read as follows:

HOUR OF MEETING.

1. The sessions of the House shall be daily, beginning at nine o'clock and thirty minutes A. M. A recess shall be taken at the hour of twelve o'clock and thirty minutes P. M. to two o'clock P. M. unless otherwise ordered by a vote of the House.

And be it further resolved, That the members of the committees appointed at the last regular session shall remain as the members of the committees of this extraordinary session, *provided*, that all vacancies shall be filled by appointment by the Speaker.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—73.

NOES—None.

STANDING RULES OF THE ASSEMBLY.

1. *Hour of Meeting.*

The sessions of the house shall be daily, beginning at nine o'clock and thirty minutes A. M. A recess shall be taken at the hour of twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approving of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

3. *Reports of Committee on Engrossed and Enrolled Bills.*

It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

4. *Messages From the Governor and Senate.*

Messages from the Governor and from the Senate may be considered at any time by a vote of the House.

5. *Messengers May be Introduced.*

Messengers may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a member is addressing the House.

6. *Petitions to be Presented With a Brief Statement of Contents.*

Whenever petitions, memorials or other papers addressed to the House are presented by a member, a brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

7 *Introduction and Reading of Bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision The Speaker shall give notice at each reading whether it be the first second or third reading. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding

8 *Introduction of Bills by Committee*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn and shall not appear upon the file Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

9 *Disposition of Senate Bills.*

When a Senate bill has been received by the House with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee, *provided, however*, that when a Senate bill is received the provisions of which are stated by a member to be identical with those of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill shall be referred to the Committee on Engrossed and Enrolled Bills for comparison which committee shall report on the next legislative day whether or not said bill is identical with the Assembly bill; and if reported identical, shall be read the second time, be substituted for the Assembly bill (the latter being considered withdrawn), shall take the latter's place on the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided*, that the fact that the bills are identical shall be entered in the Journal

10 *Joint Resolutions and Constitutional Amendments.*

Joint resolutions shall be treated the same as bills; *provided*, that they shall be read but once and that after they have been reported by a committee, *and provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded Proposed amendments to the Constitution shall be treated the same as bills, *provided*, they shall be read but once, and only after they shall have been reported by a committee

11. *Proceedings Touching Appropriations of Money to Be Considered in Committee of the Whole*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

12. *Reference of Bills.*

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee

13. *Referring with Special Instructions.*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

14 *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6 When reported back they shall be placed upon the General File, to be kept by the Clerk, as follows All bills when reported to the House by the committees shall be placed at the foot of the Second-Reading File, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the Third-Reading File, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Third-Reading File and Second-Reading File, unless otherwise ordered by a two-thirds vote of the House. The bills upon Third-Reading File shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of two thirds of the members present; *provided*, that if a bill is passed on file for any reason, other than the absence of the author by leave of the Assembly, note of the fact shall be made in the General File and when passed on file a second time the bill shall be

ordered to the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

15. *Order of Making Special File.*

The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the state government and state institutions, revenue, election laws and constitutional amendments, in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon. The Clerk shall also cause all bills reported to the Assembly by the Committee on the Revision and Reform of Laws to be printed in the General File under the separate heading entitled, "Special File: Bills reported by the Committee on Revision and Reform of Laws"; said bills to be disposed of at such sessions and at such times as shall be determined by the Speaker.

16. *Taking Up Bills Out of Order.*

When a member shall ask leave to have a bill taken up out of its regular order, he shall in making the motion give the number and title of the bill and its position on the file.

17. *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross and enroll the bills, constitutional amendments, and joint and concurrent resolutions which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said clerk shall be responsible for every violation of this rule by his assistants or deputies; no clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House. All Assembly bills, constitutional amendments and joint and concurrent resolutions shall be engrossed before final action is taken on them in the Assembly.

18. *Bills to Be Reported Back Within Ten Days.*

All bills referred to any committee shall be, by such committee, reported back to the House with its action thereon, within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

19. *Speaker to Call House to Order.*

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside.

20. *Speaker to Preserve Order; to Decide Points of Order, and May Speak to Same.*

He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

21. *Speaker to Have Direction of the Hall; May Call Any Member to the Chair.*

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

22. *Speaker to Sign Resolutions, Etc.; Attested by the Clerk.*

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

23. *Speaker May Order the Galleries and Lobby Cleared.*

In case of any disturbance or disorderly conduct in the galleries or lobby, or whenever he shall deem it necessary, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

24. *Duties of the Sergeant-at-Arms.*

The Sergeant-at-Arms shall attend the House during its sittings, execute the commands of the Speaker of the House, and serve all process issued by authority therof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the stenographers, bill clerks, bill filers, Journal Clerk and his assistants,

the committee attachés, and the page to the Speaker, which page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of and regular attendance upon their duties, and shall have power to suspend any attaché under him for dereliction of duty and shall report to the Speaker such suspension and the causes thereof, said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for wilful neglect of duty.

25. *Expenses of Sergeant-at-Arms.*

The Sergeant-at-Arms shall receive his actual traveling expenses for himself or a special messenger when executing any process issued by the House or by any officer or committee thereof.

26. *Assistant Sergeant-at-Arms to Be Doorkeeper.*

The Assistant Sergeant-at-Arms designated by the Speaker shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

27. *Standing Committees.*

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, Fruit and Vine Interests, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of seven members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members.
8. A Committee on Common Carriers, to consist of eleven members.
9. A Committee on Conservation, to consist of seven members.
10. A Committee on Constitutional Amendments, to consist of nine members.
11. A Committee on Contingent Expenses and Accounts, to consist of five members.
12. A Committee on Contested Elections, to consist of seven members.
13. A Committee on Corporations, to consist of nine members.
14. A Committee on Counties and County Boundaries, to consist of nine members.
15. A Committee on County and Township Governments, to consist of thirteen members.
16. A Committee on Direct Legislation, to consist of seven members.
17. A Committee on Election Laws, to consist of fifteen members.
18. A Committee on Education, to consist of nine members.
19. A Committee on Engrossed and Enrolled Bills, to consist of seven members.
20. A Committee on Fish and Game, to consist of thirteen members.
21. A Committee on Federal Relations, to consist of seven members.
22. A Committee on Governor's Messages, to consist of five members.
23. A Committee on Immigration, to consist of nine members.
24. A Committee on Insurance and Insurance Laws, to consist of thirteen members.
25. A Committee on Irrigation and Drainage, to consist of eleven members.
26. A Committee on Judiciary, to consist of twenty-one members.
27. A Committee on Labor and Capital, to consist of nine members.
28. A Committee on Live Stock, Dairies and Dairy Products, to consist of nine members.
29. A Committee on Manufactures and Internal Improvements, to consist of seven members.
30. A Committee on Mileage, to consist of five members.
31. A Committee on Medical and Dental Laws, to consist of nine members.
32. A Committee on Military Affairs, to consist of eleven members.
33. A Committee on Mines and Mining Interests, to consist of nine members.
34. A Committee on Municipal Corporations, to consist of eleven members.
35. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
36. A Committee on Public Buildings and Grounds, to consist of eleven members.
37. A Committee on Public Health and Quarantine, to consist of nine members.
38. A Committee on Public Lands and Forestry, to consist of nine members.
39. A Committee on Public Morals, to consist of nine members.
40. A Committee on Public Printing, to consist of seven members.
41. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.
42. A Committee on Public Charities and Corrections, to consist of seven members.
43. A Committee on Reapportionment, to consist of seventeen members.
44. A Committee on Reform of the Civil Service, to consist of seven members.
45. A Committee on Retrenchment and Reform, to consist of seven members.

46. A Committee on Revenue and Taxation, to consist of fifteen members
47. A Committee on Revision of Criminal Procedure, to consist of eleven members.
48. A Committee on Revision and Reform of Laws, to consist of nine members.
49. A Committee on Roads and Highways, to consist of thirteen members
50. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
51. A Committee on State Hospitals and Asylums, to consist of eleven members
52. A Committee on State Library, to consist of seven members.
53. A Committee on State Prisons and Reformatory Institutions, to consist of nine members
54. A Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to consist of eleven members.
55. A Committee on Ways and Means, to consist of twenty-one members
56. A Committee on Universities, to consist of nine members.

28. *Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House

29. *Committee on Contested Elections.*

It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of such members returned to serve in this House as may have their seats contested, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House, or the Speaker thereof.

30. *Committee on Ways and Means.*

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the state officers and state boards or state commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly, to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means, and said committee shall consider and report thereon the amount of appropriation required, but such bill shall retain its place on file pending its consideration by said Committee on Ways and Means The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

31. *Committee on Commissions and Public Expenditures.*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what state commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of state affairs, to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued; and to make a report thereon within thirty days after their appointment; also prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

32. *Committee on Engrossed and Enrolled Bills.*

It shall be the duty of the Engrossing Committee to compare all bills, constitutional amendments, and concurrent and joint resolutions, ordered or considered engrossed by this House, with the engrossed copies thereof, and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto, and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

33. *Committee on Revision and Reform of Laws*

It shall be the duty of the Committee on Revision and Reform of Laws to take into consideration all petitions, bills and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly.

34. *Committee Expenditures.*

No member of any committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof

35. *Committee of the Whole House.*

In forming a Committee of the Whole House, the Speaker as Chairman, or a Chairman to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All

amendments shall be noted and reported to the Assembly by the chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

36. *Rules in Committee of the Whole.*

The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes need not be taken unless demanded.

37. *Motion to Rise Decided Without Debate.*

A motion that the committee rise shall always be in order, and shall be decided without debate.

38. *Reference of Bills.*

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House.
A Standing Committee.
A Select Committee.

39. *Calling Members to Order When Transgressing Rules.*

If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

40. *Speaker to Decide Who Is Entitled to the Floor.*

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

41. *Order in Speaking to Questions.*

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than five minutes upon any question except by leave of the House, and except further, the author shall be allowed five minutes to open and five minutes to close.

42. *Called to Order for Offensive Words in Debate.*

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table, and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

43. *Personal Explanation.*

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

44. *Motions to Be Stated by Speaker, and if Desired, Shall Be Reduced to Writing or May Be Withdrawn.*

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision.

45. *Motion to Adjourn.*

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made and adjournment taken.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable and such statement or statements shall not, in any case, occupy more than two minutes.

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways

and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and tax levy.

46 *Precedence of Motions During Debate.*

When a question is under debate or before the House, no motion shall be received but To adjourn, to lay on the table, for the previous question, to postpone to a day certain to commit or amend to postpone indefinitely which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate, and no motion to postpone to a day certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day and at the same stage of the proceedings A motion to strike out the enacting clause of a bill shall have preference over a motion to amend and, if carried shall be considered equivalent to its rejection A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage

47 *Previous Question*

The previous question shall be in this form "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it

48. *Questions of Order After Previous Question is Ordered*

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

49. *Previous Question Demanded*

The previous question shall only be put when demanded by three members

50 *Question Indefinitely Postponed.*

When a question is postponed indefinitely the same shall not again be introduced during the session

51 *Division of Questions*

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert

52. *Substitute*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such

53 *Subjects Different From the One Under Consideration.*

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment

54. *Printing of Bills*

Five hundred copies of all bills and as many additional copies as the House shall order, shall be printed The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

55 *Printing Extra Number of Bills, Etc*

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House

56. *Printing of Maps.*

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House

57 *Filling Blanks*

In filling up blanks the least sum and shortest time shall be first put

58 *Priority of Business.*

All question relating to the priority of business shall be decided without debate

59 *Reading of Papers.*

When the reading of a paper is called for, except petitions, and the same is objected to by a member, such reading shall be determined by a vote of the House, without debate

60 *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority, and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

61. *Election by House.*

In all cases of election by the House, the vote shall be taken *viva voce*.

62 *Calling Ayes and Noes.*

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

63. *Members at Clerk's Desk.*

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

64. *Voting on Question When Interested.*

No person shall vote on any question in the result of which he is personally interested or involved.

65. *Division and Count of House.*

Upon a division and count of the House on any question, no person without the bar shall be counted.

66. *Explaining or Changing Vote.*

No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced from the chair.

67. *Call of the House.*

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever to be found, or by special messenger, to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

68 *Suspending and Changing Rules.*

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds of the members of the Assembly, and one day's notice being given of the motion therefor: *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor.
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional amendments.
6. Bills amending or repealing the Codes, or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendments by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation. When such temporary rule or regulation shall have been adopted by a two-thirds vote of the House it shall have the effect, for the time being, of a standing rule, and if such temporary rule shall be in conflict with a standing rule it shall supersede said standing rule for the time being, and shall be enforced by the Speaker.

69. *Members Absenting Themselves.*

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness, and if any member or officer of the House absent himself without leave, his per diem shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two thirds of the House.

70. *Persons Admitted to Floor.*

No person except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme, Appellate and Superior Courts, ex-Senators and ex-Assemblymen, members of the press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House, but a majority may have the floor of the House cleared of any or all such persons. The Speaker is charged with the enforcement of this rule, *provided, however*, any other guest of any member may be admitted to the floor of the House by written permission of said member, such permission being good for the sessions of the day on which it is given, the names of such members and guests to be entered in the Journal when requested by such members.

71. *Smoking in Hall.*

No smoking shall be allowed within the Assembly Chamber during the session of the House, *provided*, that during night sessions, this rule may be suspended by a vote of the majority of the members present, without notice or reference to committee.

72. *Parliamentary Rules.*

The rules of parliamentary practice contained in Robert's Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

73. *Use of Hall.*

The Assembly Room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

74. *Fees for Witnesses.*

Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

75. *Protests of Members.*

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

76. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

77. *Assignment of Attaches.*

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees, *provided*, that the Speaker, the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the Speaker and chairman of those committees, respectively, *and provided, further*, that the Committee on Attachés and Employés, on recommendation of the Chief Clerk, shall have authority to re-assign any clerk or attachés under him to special duties or other committees when the necessity arises.

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

78 *Introduction of Bills After Fortieth Day*

On or prior to the fortieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fortieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution, and no resolution to introduce any such bill shall be adopted without the consent of three fourths of the members of the Assembly.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill. The author of any bill shall have not more than ten minutes within which to speak to the question of the introduction of his bill and the Committee on Introduction of Bills may have the same time for reply.

79. *Form For Printed Amended Bills*

All bills amended, either in committee or on the floor of the House, shall be immediately reprinted, the new matter added by any amendments to be printed in italics and any matter proposed to be omitted by such amendments to be included in brackets.

80 *Leaves of Absence of Members of the Assembly Visiting Public Institutions*

No leave of absence shall be granted any committee, special or standing, to visit any public institution of the State or for any other purpose. Whenever any committee shall report to the Assembly that it is desirable that such committee receive information concerning any public institution, the Assembly may, by a two-thirds vote of all its members, grant a leave of absence to not more than three members of such committee, to be designated by the Chairman thereof. Application for a leave of absence of such members of a committee shall be made to the Assembly in writing by the chairman thereof and such application shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the names of the committeemen designated for that purpose and the name of the stenographer to accompany said committeemen, if one be necessary. Such application shall immediately and without debate, be referred to the Committee on Rules and Regulations with instructions to report upon the same on the next legislative day. Said members and their stenographer, if any, shall be allowed their actual expenses.

81 *Duties of Chief Clerk.*

It shall be the duty of the Chief Clerk to have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. He shall have the supervision of all the clerks and assistants at the desk of the journal clerk and his assistants, of all bill clerks, bill filers, stenographers, and of all committee attachés except the attachés to the Speaker and to the Committee on Judiciary and Ways and Means, and shall be responsible for the performance of and regular attendance upon their duties, and shall have power to suspend any such clerk, or attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof. Said clerk or attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché or clerk of his suspension, and shall have the power to remove any clerk or attaché for incompetency or for wilful neglect of duty.

82 *Lobbying.*

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business during the sessions of the Assembly, or be permitted on the floor of the Assembly at any time while the Assembly is in session, and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule.

This rule can not be suspended except by a two-thirds vote of the entire Assembly.

RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Mr Smith:

Resolved, That the Chief Clerk be and is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of his Excellency the Governor, dated Tuesday, November 21, 1911, and ready for the transaction of legislative business, with the following officers, to wit

Hon. A. H Hewitt.....Speaker
Hon H G Cattell.....Speaker pro tem.
L. B. Mallory.....Chief Clerk
T. G. Walker.....First Assistant Chief Clerk
H. A Harper.....Minute Clerk
Ed H. Whyte.....Sergeant-at-Arms
Rev. Frank K Baker.....Chaplain

Resolution read, and on motion adopted.

By Mr Bohnett:

Resolved, That the Speaker of the Assembly, the Speaker pro tem. of the Assembly, and the chairman of the Committee on Attachés and Employés be, and they are hereby, appointed a committee to investigate the needs of the Assembly with respect to attachés during the extraordinary session, with instructions to report to the Assembly Tuesday morning, November 28, 1911, what attachés and employés will be necessary, and to recommend appointments.

Resolution read, and on motion adopted.

By Mr Sutherland:

Resolved, That a select committee of three be appointed by the Speaker, to act with a like committee from the Senate, to wait upon the Governor and inform him that the two houses of the Legislature are in session, and in readiness to receive any communication which he may have to make.

Resolution read, and on motion adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the Speaker announced the appointment of Messrs. Sutherland, Rodgers of San Francisco, and Smith as such committee.

SENATE MESSAGE.

On motion of Mr. Bohnett, the following message from the Senate was taken up and read:

SENATE CHAMBER SACRAMENTO, November 27, 1911

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted the following resolution

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.....A. E Boynton
Secretary of the Senate.....Walter N. Parrish
Sergeant-at-Arms.....Joseph L. Coughlin
Minute Clerk.....R H. Jackson
Chaplain.....Rev Father Henry H Wyman

WALTER N PARRISH, Secretary of Senate

LEAVES OF ABSENCE

On motion of Mr. Preisker, leave of absence for the day was granted to Messrs Kehoe, Jones, Coghlan, and Griffin.

RECESS.

At two o'clock and thirty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until two o'clock and thirty-five minutes P. M. of this day.

REASSEMBLED.

At two o'clock and thirty-five minutes P. M., the Assembly reconvened.

Speaker Hewitt in the chair.

REPORT OF SELECT COMMITTEE.

The committee appointed by the Speaker to wait upon the Governor appeared before the bar of the Assembly and reported that the Governor would, through his secretary, deliver a message to the Assembly.

ADJOURNMENT.

At two o'clock and forty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, November 28, 1911.

IN ASSEMBLY

ASSEMBLY CHAMBER,
Tuesday, November 28, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Geides, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—80.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Rogers of Alameda.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 28, 1911.

To the Assembly of California

Your special committee appointed to ascertain the needs of the Assembly in respect to attachés and employés, for this extraordinary session, and to recommend appointments, respectfully report that we have had such matter under consideration and we have determined that the following employés will be required.

Two Assistant Clerks, two Assistant Sergeant-at-Arms, one Bookkeeper to the Sergeant-at-Arms, one Assistant Minute Clerk, one Journal Clerk, one Engrossing and Enrolling Clerk, three Assistant Engrossing and Enrolling Clerks, one File Clerk, three Bill Filers, one History Clerk, six Stenographers, one Postmistress, one Clerk to the Speaker, three Committee Clerks, three pages, one Doorkeeper, and five Porters.

We further report and recommend the adoption of the following resolution

Resolved, That the following named persons be, and they are hereby, appointed and employed for the positions, and at the per diem fixed by law, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, said appointments to date from this day, and said per diem to be paid from and after such employés report for duty and take and subscribe the oath of office, to wit.

NAMES

H. D. Hopkins	Assistant Clerk
A. H. Harlin	Assistant Clerk
James McNamara	Assistant Sergeant-at-Arms
J. P. Whyte	Assistant Sergeant-at-Arms
Ed E. Reese	Bookkeeper to Sergeant-at-Arms
J. T. McBean	Assistant Minute Clerk
A. S. Moore	Journal Clerk
Frank J. Waters	Engrossing and Enrolling Clerk
Susie P. Miller	Assistant Engrossing and Enrolling Clerk
Mae Brown	Assistant Engrossing and Enrolling Clerk
Eric G. Scudder	Assistant Engrossing and Enrolling Clerk
W. C. Gurey	File Clerk
S. R. Barkley	Bill Filer
S. D. Bromley	Bill Filer
A. Dunbar	Bill Filer
J. A. Miller	History Clerk
Marie Kiachen	Stenographer
Zietta Kencholoen	Stenographer
E. R. Jones	Stenographer
M. W. Leoffler	Stenographer
B. F. Woerner	Stenographer
Irma Von Olhasen	Stenographer
Addie Peaslee	Postmistress
E. I. Burns	Committee Clerk
Geo. R. Wichmam	Committee Clerk
V. H. Freel	Committee Clerk
Richard Barton	Committee Clerk
Eddie Frates	Page
John F. Hayes	Page
Willard Bevan	Page
Geo. Cushing	Doorkeeper
John Kofod	Porter
Adam Bergman	Porter
W. Harlow	Porter
T. P. White	Porter
David Ellis	Porter

Resolved further, That the State Controller be, and he is hereby, authorized and directed to draw his warrants upon the proper fund in favor of said parties, for the per diem fixed by law, and that the State Treasurer be authorized and directed to pay the same

Resolved further, That all stenographers shall act as committee clerks when so assigned by the Chief Clerk, and that all committee clerks who are stenographers shall act as stenographers of the members desiring their services when requested so to do

HEWITT,
CATTELL,
BLISS,
Special Committee.

Mr. Bliss moved the adoption of the report and resolution.

MOTION.

Mr Schmitt moved that the question be made a special order for two o'clock P. M. of this day.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Beckett, Coghlan, Cunningham, Denegri, Feeley, Lamb, McDonald, Mullally, Nolan, Rimlinger, Schmitt, and Walker—12

NOES—Messrs Beatty Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Freeman Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams Wilson, Wyllie, Young, and Mr. Speaker—66.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck Sutherland Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—70

NOES—Messrs Cunningham, McDonald, Nolan, and Schmitt—4

GOVERNOR'S MESSAGE.

The following message from the Governor was taken up and read:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO November 27, 1911.

To the Legislature of the State of California:

The Legislature has been convened in extraordinary session for the purposes that are specifically set forth in the proclamation that has been heretofore duly issued. When the call for the extra session was made a copy was sent to each of the members that all might be familiar with the work necessary to be done Some of the matters embraced within this call imperatively demand action; others are formal in character All alike, however, those that are difficult and those that are not, are submitted to you in the firm belief, justified by your previous actions, that your solution of every problem will be just, adequate and speedy. Because of thorough preparation and complete knowledge on your part of the matters concerning which you are to legislate, I do not attempt to specify in detail the subjects before you I would, however, call to your attention one fact that is evident, that those who would wish this Legislature ill, and who care nothing for the State, desire that you become embroiled during this special session so that you will not, within a reasonable period, accomplish the purposes for which you have been called together I trust, therefore, that the same spirit which you displayed with such marked success and accomplishment at your regular session, will prevail in your present deliberations

Respectfully,

HIRAM W JOHNSON Governor of California

INTRODUCTION OF BILLS

The following bills were introduced, and referred as indicated

By Mr. Sutherland: Assembly Bill No 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their

officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No 2—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

Bill read first time, and referred to Committee on Ways and Means.

By Mr Jones: Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr Harlan: Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No 5—An Act to amend Section 1096 of the Political Code of the State of California, relating to what shall be contained in the registration of voters.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 6—An Act to amend Section 1097 of the Political Code of the State of California, relating to the qualifications of electors for registration

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095*a*, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section

Bill read first time, and referred to Committee on Election Laws.

By Mr. Held: Assembly Bill No. 8—An Act to amend Section 4021*a* of the Political Code providing for the recall of elective officers of counties and subdivisions thereof

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum by electors of counties

Bill read first time, and referred to Committee on Direct Legislation

Also: Assembly Bill No 10—An Act to provide for the recall of elective officers of incorporated cities and towns

Bill read first time, and referred to Committee on Election Laws

Also: Assembly Bill No 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Bill read first time, and referred to Committee on Direct Legislation.

By Mr Mott: Assembly Bill No 12—An Act to amend sections one,

three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Mr. Cogswell: Assembly Bill No. 13—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State, and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation,' approved April 26, 1911."

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Rutherford: Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

Bill read first time, and referred to Committee on Reapportionment.

By Mr. Schmitt: Assembly Bill No. 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Bill read first time, and referred to Committee on Judiciary

By Mr. Bohnett: Assembly Bill No. 16—An Act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts.

Bill read first time, and referred to Committee on Reapportionment

By Mr. McGowen: Assembly Concurrent Resolution No 1—Approving the charter of the city of Stockton.

Resolution read, and referred to Committee on Municipal Corporations.

RESOLUTION

The following resolution was offered:

By Mr. Sutherland:

WHEREAS, There is a demand from many sources throughout the State of California for copies of the California Railroad Commission Act, Assembly Bill No. 1.

Resolved, That the Chief Clerk be, and he is hereby, instructed to have printed 2,000 copies of the same

Resolution read, and laid over for one day under rules.

RECESS.

At ten o'clock and forty-five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER)

The following report of standing committee was received and read:

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, November 28, 1911.

MR. SPEAKER: Your Committee on Mileage beg leave to report that they have computed the mileage according to Part II, Title III, and Section 237 of the Political Code, and recommend the adoption of the resolution herewith:

Resolved, That the State Controller be, and he is hereby, directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby ordered and directed to pay the same.

KENNEDY, Chairman.

Names	Address	Miles	Amount
Beatty, H. N.	San Francisco	180	$18 00
Beckett, J. F.	Arroyo Grande	716	71 60
Benedict, H. S.	Los Angeles	894	89 40
Bennink, C. G. H.	Ontario	972	97 20
Bishop, Clyde	Santa Ana	962	96 20
Bliss, C. A.	Sacramento	2	20
Bohnett, L. D.	San Jose	256	25 60
Brown, H. W.	Colma	198	19 80
Butler, E. M.	Los Angeles	894	89 40
Callaghan, R. J.	Oakland	168	16 80
Cattell, H. G.	Pasadena	912	91 20
Chandler, W. F.	Fresno	338	33 80
Clark, W. C.	Oakland	168	16 80
Coghlan, N. C.	San Francisco	180	18 00
Cogswell, P. F.	El Monte	924	92 40
Cronin, J. R.	Benicia	114	11 40
Crosby, S.	Alameda	178	17 80
Cunningham, A.	San Francisco	180	18 00
Denegri, D. M.	San Francisco	180	18 00
Farwell, Lyman	Los Angeles	894	89 40
Feeley, T. J.	San Francisco	180	18 00
Fitzgerald, George	Oakland	168	16 80
Flint, W. R.	Hollister	346	34 60
Freeman, G. R.	Corona	1004	100 40
Gaylord, E. C.	East Auburn	74	7 40
Gerdes, F. C.	San Francisco	180	18 00
Griffin, T. F.	Modesto	154	15 40
Griffiths, W. B.	Monticello	132	13 20
Gull, J. H. J.	Chico	182	18 20
Hall, F. H.	Bakersfield	556	55 60
Hamilton, J. W.	Petaluma	212	21 20
Harlan, G. H.	Sausalito	192	19 20
Hayes, D. R.	San Jose	256	25 60
Held, W. D. L.	Ukiah	300	30 00
Hinkle, E. C.	San Diego	1146	114 60
Hinshaw, W. E.	Long Beach	936	93 60
Jasper, G. A.	Fortuna	660	66 00
Jones, M. R.	Martinez	124	12 40
Joel, A.	San Francisco	180	18 00
Judson, F. E.	Escondido	1108	110 80
Kehoe, William	Eureka	624	62 40
Kennedy, W. P.	San Francisco	180	18 00
Lamb, W. A.	Los Angeles	894	89 40
Lynch, E. J.	Walsh Station	26	2 60
Lyon, H. H.	Los Angeles	894	89 40
Lyon, W. T.	San Francisco	180	18 00
Maher, J. B.	Santa Cruz	396	39 60
Malone, G. E.	Dunsmuir	470	47 00
March, J. C.	Sacramento	2	20
McDonald, W. A.	San Francisco	180	18 00
McGowen, E. H.	Stockton	96	9 60
Mendenhall, J. L.	Williams	120	12 00

Names	Address	Miles	Amount
Mott, D. W.	Santa Paula	948	$94 80
Mullally, J. E.	San Francisco	180	18 00
Nolan, E. J. D.	San Francisco	180	18 00
Polsley, H.	Red Bluff	304	30 40
Preisker, C. L.	Santa Maria	750	75 00
Randall, C. H.	Los Angeles	894	89 40
Rimlinger, D.	San Francisco	180	18 00
Rodgers, F. N.	San Francisco	180	18 00
Rogers, A. A.	San Leandro	184	18 40
Rosendale, C. B.	Salinas	416	41 60
Rutherford, F. M.	Truckee	242	24 20
Ryan, J. J.	San Francisco	180	18 00
Sbragia, V. A.	San Francisco	180	18 00
Schmitt, M. L.	San Francisco	180	18 00
Slater, H. W.	Santa Rosa	180	18 00
Smith, F. M.	Oakland	168	16 80
Stevenot, F. G.	Carson Hill	274	27 40
Stuckenbruck, J. W.	Acampo	78	7 80
Sutherland, W. A.	Fresno	338	33 80
Telfer, R. L.	San Jose	256	25 60
Tibbits, J. H.	Redding	342	34 20
Walker, F. J.	Lemoore	448	44 80
Walsh, E. P.	San Francisco	180	18 00
Williams, D. E.	Chinese Camp	230	23 00
Wilson, L. H.	Winters	56	5 60
Wyllie, G. W.	Dinuba	398	39 80
Young, C. C.	Berkeley	168	16 80
Hewitt, A. H.	Yuba City	116	11 60
Mallory, L. B.	Los Gatos	276	27 60
Harper, H. A.	El Dorado	116	11 60
Whyte, Ed H.	Sacramento	2	20

Report and resolution ordered printed in the Journal, and consideration continued until next legislative day.

INTRODUCTION OF BILLS, ETC.—(OUT OF ORDER).

The following were introduced and referred as indicated:

By Mr. Hewitt: Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county; providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements; providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Bill read first time, and referred to Committee on Roads and Highways:

By Mr. Bliss: Assembly Concurrent Resolution No. 2—Approving the charter of the city of Sacramento.

Resolution read, and referred to Committee on Municipal Corporations.

By Mr. Schmitt: Assembly Concurrent Resolution No. 3—Relative to the appointment of a committee for the reception of visiting governors and legislative committees from various states and foreign countries who may come to arrange for participation in the Panama-Pacific International Exposition.

Resolution read, and referred to Committee on Ways and Means.

Also: Assembly Concurrent Resolution No. 4—Relating to the printing on stationery of state offices, an invitation on behalf of the State of

California to participate in the Panama-Pacific International Exposition

Resolution read, and referred to Committee on Judiciary.

LEAVES OF ABSENCE.

Leave of absence was granted to Messrs. Gaylord and Hewitt for Wednesday, November 29, 1911.

ADJOURNMENT.

At two o'clock and fifteen minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, November 29, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, November 29, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. H. G. Cattell, Speaker pro tem of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Pierson, Randall, Rimbinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragna, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wythe, and Young—78

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Joel.

CONSIDERATION OF COMMITTEE REPORT

In accordance with action previously taken, the following report of standing committee was taken up for consideration.

ON MILEAGE

ASSEMBLY CHAMBER, SACRAMENTO, November 28, 1911

MR. SPEAKER: Your Committee on Mileage beg leave to report that they have computed the mileage according to Part II, Title III, and Section 237 of the Political Code, and recommend the adoption of the resolution herewith.

Resolved, That the State Controller be, and he is hereby, directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and

members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby ordered and directed to pay the same.

Names	Address	Miles	Amount
Beatty, H. N	San Francisco	180	$18 00
Beckett, J F	Arroyo Grande	716	71 60
Benedict, H S	Los Angeles	894	89 40
Bennink, C. G H	Ontario	972	97 20
Bishop, Clyde	Santa Ana	962	96 20
Bliss, C A.	Sacramento	2	20
Bohnett, L D	San Jose	256	25 60
Brown, H W	Colma	198	19 80
Butler, E. M.	Los Angeles	894	89 40
Callaghan, R. J.	Oakland	168	16 80
Cattell H. G	Pasadena	912	91 20
Chandler, W F.	Fresno	338	33 80
Clark, W C	Oakland	168	16 80
Coghlan, N C	San Francisco	180	18 00
Cogswell, P. F	El Monte	924	92 40
Cronin, J R.	Benicia	114	11 40
Crosby, S	Alameda	178	17 80
Cunningham, A	San Francisco	180	18 00
Denegri, D M.	San Francisco	180	18 00
Farwell, Lyman	Los Angeles	894	89 40
Feeley, T J.	San Francisco	180	18 00
Fitzgerald, George	Oakland	168	16 80
Flint, W R	Hollister	346	34 60
Freeman, G R	Corona	1004	100 40
Gaylord, E. C	East Auburn	74	7 40
Gerdes, F. C	San Francisco	180	18 00
Griffin T F	Modesto	154	15 40
Griffiths, W. B	Monticello	132	13 20
Gull J H J	Chico	182	18 20
Hall, F. H	Bakersfield	556	55 60
Hamilton, J W	Petaluma	212	21 20
Harlan, G H	Sausalito	192	19 20
Hayes, D R	San Jose	256	25 60
Held W D. L	Ukiah	300	30 00
Hinkle E. C.	San Diego	1146	114 60
Hinshaw, W E.	Long Beach	936	93 60
Jasper G A	Fortuna	660	66 00
Jones, M. R	Martinez	124	12 40
Joel, A.	San Francisco	180	18 00
Judson, F E	Escondido	1108	110 80
Kehoe, William	Eureka	624	62 40
Kennedy, W. P	San Francisco	180	18 00
Lamb W. A	Los Angeles	894	89 40
Lynch, E J	Walsh Station	26	2 60
Lyon H. H	Los Angeles	894	89 40
Lyon, W T	San Francisco	180	18 00
Maher, J B	Santa Cruz	396	39 60
Malone, G E.	Dunsmuir	470	47 00
March, J C	Sacramento	2	20
McDonald, W. A.	San Francisco	180	18 00
McGowen, E. H	Stockton	96	9 60
Mendenhall, J L.	Williams	120	12 00
Mott, D. W.	Santa Paula	948	94 80
Mullally J E	San Francisco	180	18 00
Nolan, E J. B.	San Francisco	180	18 00
Polsley, H	Red Bluff	304	30 40
Preisker, C. L	Santa Maria	750	75 00
Randall, C. H	Los Angeles	894	89 40
Rimlinger, D	San Francisco	180	18 00
Rodgers, F N.	San Francisco	180	18 00
Rogers, A A	San Leandro	184	18 40
Rosendale, C B	Salinas	416	41 60
Rutherford, F. M.	Truckee	242	24 20
Ryan J. J.	San Francisco	180	18 00
Sbragia, V. A.	San Francisco	180	18 00
Schmitt, M. L.	San Francisco	180	18 00
Slater, H W.	Santa Rosa	180	18 00
Smith, F M	Oakland	168	16 80
Stevenot, F. G	Carson Hill	274	27 40
Stuckenbruck, J. W.	Acampo	78	7 80

Names	Address	Miles	Amount
Sutherland, W. A	Fresno	338	$33 80
Telfer, R. L	San Jose	256	25 60
Tibbits, J. H	Redding	342	34 20
Walker, F. J	Lemoore	448	44 80
Walsh, E. P.	San Francisco	180	18 00
Williams, D. E	Chinese Camp	230	23 00
Wilson, L. H	Winters	56	5 60
Wyllie, G. W.	Dinuba	398	39 80
Young, C. C.	Berkeley	168	16 80
Hewitt, A. H.	Yuba City	116	11 60
Mallory, L. B	Los Gatos	276	27 60
Harper, H. A	El Dorado	116	11 60
Whyte, Ed. H	Sacramento	2	20

KENNEDY, Chairman

Report and resolution read

The question being on the adoption of the report and resolution

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Heid, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—68.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Clark: Assembly Bill No. 18—An Act regulating and limiting the appropriation of water or the use of water; limiting the appropriation of water or the use of water to the specific purpose for which it shall be appropriated, creating and establishing a state water commission; providing for the appointment, tenure of office and compensation of the members thereof, prescribing the duties and powers of said commission; giving said commission authority and power to hold hearings in certain cases; providing for the serving of notices upon claimants of appropriations of water or the use of water, and the publication and posting of such notices; providing for and regulating and limiting appeals from the determinations and adjudications of said commission; making findings of fact by said commission, with certain exceptions, final, providing for undertakings on appeal from the determinations and adjudications of said commission; declaring it to be a misdemeanor to refuse or neglect to obey subpœnas issued by said commission; providing for and regulating the payment of fees to witnesses before said commission, providing for security for costs, including expense of taking and transcribing testimony; regulating the manner in which applications shall be made for the appropriation of water or the use of water; regulating and defining priority of right in applications for the appropriation of water or the use of water; prescribing and limiting the time for beginning, prosecuting and completing construction of works; providing for the issuing, renewal, limiting and cancellation of licenses to appropriate water or the use of water; reserving to the State the right to impose fees and charges for appropriating water or the use of water; fixing fees and charges for the use of water appropriated under this Act; providing said fees and charges shall be paid to the State Water Commission; prohibiting and

fixing penalties for any agreement, combination or trust in restraint of trade contrary to law between appropriators of water or the use of water, or their assigns, declaring the diversion or the use of water otherwise than is provided in this Act to be a misdemeanor, and providing penalties therefor; appropriating money for the use, indebtedness, salaries and expenses of said Commission, its members and persons employed by it; creating an "Improvement Fund" and providing for the disbursement thereof; repealing all Acts or parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Conservation.

By Mr. Hamilton: Assembly Bill No. 19—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts, and defining and establishing such districts.

Bill read first time, and referred to Committee on Reapportionment.

By Mr. Held: Assembly Bill No. 20—An Act to amend section 2185c of the Political Code of the State of California.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Sutherland: Assembly Bill No. 21—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions thereof

Bill read first time, and referred to Committee on Federal Relations

By Mr Callaghan: Assembly Bill No. 22—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149*e* and 4149*f*, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

Bill read first time, and referred to Committee on Election Laws

By Mr. Fitzgerald: Assembly Bill No. 23—An Act to amend Section 4013 of the Political Code of California, relating to the officers of a county.

Bill read first time, and referred to the Committee on Election Laws.

By Mr. Kehoe: Assembly Bill No. 24—An Act to amend Section 4023 of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 25—An Act to amend Section 1106 of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 26—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 27—An Act to amend Section 1096 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Election Laws

Also: Assembly Bill No. 28—An Act to amend Section 1083 of the

Political Code of the State of California, relating to and defining qualified electors.

Bill read first time, and referred to committee on Election Laws.

By Mr. Griffin: Assembly Bill No 29—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

Bill read first time, and referred to Committee on Irrigation and Drainage.

By Mr. Young: Assembly Bill No 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

Bill read first time, and referred to Committee on Election Laws

Also: Assembly Bill No. 31—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Bill read first time, and referred to Committee on Election Laws

By Mr. Brown: Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, repealing all of section twenty of article five thereof.

Read, and referred to Committee on Election Laws.

By Mr. Griffin: Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to article eleven of the Constitution, relative to deposits of money

Read, and referred to Committee on Constitutional Amendments.

CONSIDERATION OF RESOLUTION.

On motion of Mr. Sutherland, the following resolution, previously offered, was taken up for consideration:

WHEREAS, There is a demand from many sources throughout the State of California for copies of the California Railroad Commission Act, Assembly Bill No 1

Resolved, That the Chief Clerk be, and he is hereby, instructed to have printed 2,000 copies of the same.

Mr. Sutherland moved the adoption of the resolution.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr Bohnett:

Resolved, That the State Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly in favor of Chief Clerk L B Mallory for the sum of one hundred and fifty (150) dollars, and the Treasurer is directed to pay the same, said sum being for postage for mailing department

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Benmink, Bliss, Bohnett, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Wyllie—66.

NOES—None.

RE-REFERENCE OF BILLS.

On motion of Mr. Held, Assembly Bills Nos. 8 and 10 were recalled from the Committee on Election Laws and referred to Committee on Direct Legislation.

MOTION.

Mr. Bohnett moved that when the Assembly adjourn this day it adjourn until Thursday, November 30, 1911, at nine o'clock and thirty minutes A. M.

Motion carried.

LEAVES OF ABSENCE

Leave of absence for Thursday, November 30, 1911, was granted Messrs. Rutherford, Lyon of San Francisco, Gerdes, Schmitt, Feeley, Griffiths, Gaylord, and Guill.

Leave of absence was granted Mr. Walker for to-day on account of sickness.

RECESS.

At ten o'clock and forty minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. Cattell in the chair

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Brown: Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance and use of boulevards, and defining the term boulevard,' approved March 22d, 1905, and the act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911; said amendments relating to the elec-

tion, appointment and qualifications of the members of said boulevard commission

Bill read first time, and referred to Committee on Roads and Highways.

By Mr Chandler: Assembly Bill No 33—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the executive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith

Bill read first time, and referred to Committee on Judiciary.

By Messrs. Smith, Telfer, Williams, and Beckett: Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Bohnett: Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 6 of Article IV thereof, relating to the establishment of senatorial and assembly districts, and the apportionment of members of Senate and Assembly.

Read, and referred to Committee on Reapportionment.

MOTION.

Mr. Bohnett moved that the Assembly take a recess for thirty minutes.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Beninik, Bishop, Bliss, Bohnett Callaghan, Cattell, Chandler, Clark Cogswell Cronin, Cunningham Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill Hall, Hamilton, Harlan, Hayes Held Hinkle, Hinshaw, Jasper Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Maher Malone, March, McDonald, McGowen, Mendenhall Mott Nolan, Polsley, Preisker, Rinlinger, Rodgers of San Francisco, Rogers of Alameda Rosendale Rutherford, Shragia, Schmitt, Slater, Smith, Stuckenbruck Sutherland, Telfer Tibbits, Williams, Wilson, and Wyllie—60

NOES—Messrs. Brown, Coghlan Denegri, Feeley, Lyon of Los Angeles Lyon of San Francisco, Ryan, and Walsh—8

RECESS.

At two o'clock and ten minutes P. M., the Assembly was declared at recess until two o'clock and forty minutes P. M. of this day.

REASSEMBLED.

At two o'clock and forty minutes P. M. the Assembly reconvened Speaker pro tem Cattell in the chair.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Hinkle:

WHEREAS, The Panama-California Exposition Company of San Diego is desirous of cooperating with the Panama-Pacific Exposition in the advertising and the upbuilding of our State and the Pacific coast, be it

Resolved, That the following telegram from the Director General of the Panama-California Exposition be printed in the Journal

SAN DIEGO, CALIFORNIA, November 28, 1911

Assemblyman E. C. Hinkle, Sacramento, California

The Panama-California Exposition will be held in San Diego during the entire year of 1915. We respectfully ask that any legislation calculated to advertise or further the interests of expositions in California include both great expositions to be held in 1915

J. W. SEFTON, Director General.

Resolution read, and on motion adopted.

By Mr. Cronin:

WHEREAS, The Hon. S. R. Davis, Representative of the Sixty-second District of the Legislature of the State of Kansas, is visiting in Sacramento, therefore, be it

Resolved, That the privileges of the floor of this Assembly be, and they are hereby, extended to the Hon. S. R. Davis during his stay in this State.

Resolution read, and on motion adopted.

By Mr. Lynch:

Resolved, That the Sergeant-at-Arms of the Assembly, or the Bookkeeper to the Sergeant-at-Arms, be and he is hereby authorized to receipt to the Controller for all warrants for payment to members, officers, and attachés of the Assembly

Resolution read, and on motion adopted

ADJOURNMENT

At two o'clock and forty-five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, November 30, 1911

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—63

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Smith.

LEAVES OF ABSENCE

On motion, leave of absence for the day was granted to Messrs Young, Lamb, Cunningham, Walker, and Stevenot.

RESOLUTION

The following resolution was offered:

By Mr. McGowen:

Resolved, That the action of Ed H. Whyte, Sergeant-at-Arms of the Assembly in employing necessary assistance in the organization of the Assembly to perform the duties of Chief Clerk, Sergeant-at-Arms, Bookkeeper to Sergeant-at-Arms, Watchmen, Porters and Pages is hereby approved and ratified, and the Controller of the State is directed to draw his warrant in favor of said Ed H Whyte against the Contingent Fund of the Assembly in the sum of eighty-one ($81 00) dollars, said payment being on account of services rendered as follows, and the State Controller is hereby authorized and directed to pay the same:

L B Mallory	Chief Clerk	3 days at	$10 00	$30 00
Ed H Whyte	Sergeant-at-Arms	2 days at	8 00	16 00
Ed E Reese	Bookkeeper to Sergeant-at-Arms	3 days at	5 00	15 00
Ben Chambers	Watchman	1 day at	3 00	3 00
Dave Ellis	Watchman	1 day at	3 00	3 00
Geo Cushing	Watchman	1 day at	3 00	3 00
Tom Farwell	Page	1 day at	2 50	2 50
Ed Fiates	Page	1 day at	2 50	2 50
John Kofod	Porter	1 day at	3 00	3 00
Jas Green	Porter	1 day at	3 00	3 00

Resolution read, and referred to Committee on Attachés and Employés

RE-REFERENCE OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

On motion of Mr Cattell, Assembly Constitutional Amendment No. 4 was recalled from the Committee on Reapportionment and referred to Committee on Constitutional Amendments.

RECESS

At nine o'clock and forty minutes A. M., on motion of Mr Bishop, the Assembly was declared at recess until ten o'clock A M. of this day.

REASSEMBLED.

At ten o'clock A M. the Assembly reconvened.

Speaker Hewitt in the chair.

INTRODUCTION OF BILLS

The following bills were introduced, and referred as indicated

By Mr. Lyon of Los Angeles: Assembly Bill No 34—An Act to legalize the registration of electors

Bill read first time and referred to Committee on Election Laws.

By Mr. Randall: Assembly Bill No. 35—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts, and defining and establishing such districts.

Bill read first time, and referred to Committee on Reapportionment.

By Mr. Smith: Assembly Bill No. 36—An Act to amend Section 1097 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Election Laws.

LEAVES OF ABSENCE.

On motion of Mr. Bohnett, leave of absence was granted for the day to Messrs. Denegri, Griffin, Mullally, Rodgers of San Francisco, and Sbragia.

ADJOURNMENT.

At ten o'clock and five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Friday, December 1, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, December 1, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—71.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Young.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs. Hall, Griffiths, Coghlan, Sbragia, Mendenhall, Walker, Jones, Rutherford, and Schmitt.

INTRODUCTION OF ASSEMBLY CONCURRENT RESOLUTION.

The following Assembly concurrent resolution was offered, and referred as indicated:

By Mr. Hinkle: Assembly Concurrent Resolution No. 5—Relative to the appointment of a committee for the reception of visiting governors and legislative committees from various states and foreign countries, who may come to arrange for participation in the Panama-Pacific International Exposition and the Panama-California International Exposition.

Read and referred to Committee on Ways and Means.

RESOLUTION.

The following resolution was offered:

By Mr. Gerdes:

Resolved, That the Sergeant-at-Arms of the Assembly is hereby authorized to procure a Bear flag of the State of California and have the same displayed in a conspicuous place in the Assembly Chamber.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

ADJOURNMENT.

At ten o'clock and ten minutes A. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Saturday, December 2, 1911.

IN ASSEMBLY

ASSEMBLY CHAMBER,
Saturday, December 2, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stinckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wythe, Young, and Mr. Speaker—65.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Slater.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs. Beatty, Callaghan, Coghlan, Cronin, Griffin, Gerdes, Guill, Hall, Joel, Lynch, Nolan, Rimlinger, Sbragia, and Walker.

On motion, Messrs. Rosendale, Chandler, and Harlan were granted leave of absence for Monday, December 4, 1911.

Mr. Benedict was granted leave of absence until Wednesday, December 6, 1911.

INTRODUCTION OF BILLS

The following bills were introduced, and referred as indicated:

By Mr. Butler: Assembly Bill No 37—An act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts, as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act.

Bill read first time, and referred to Committee on Reapportionment.

By Mr Hewitt: Assembly Bill No 38—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees, and River Improvements

By Mr Griffin: Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts

Bill read first time, and referred to Committee on Direct Legislation

By Mr. Mullally: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California, amending Section 3 of Article IV of the Constitution, relating to the election of

members of the general assembly, by providing for minority representation in the general assembly

Read, and referred to Committee on Constitutional Amendments.

By Mr Schmitt: Assembly Concurrent Resolution No 6—Relative to extending an invitation to a committee from the New York Legislature to visit the California Legislature.

Resolution read, and, on motion of Mr. Schmitt, duly seconded, unanimously adopted.

Resolution ordered transmitted to the Senate.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Mott, the Misses Thea Noack, Cecelia Henderson, Margaret Girdner, and Martha Tullock were granted the privilege of the floor of the Assembly for the day.

RECESS.

At ten o'clock and fifteen minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until two o'clock P M. of this day

REASSEMBLED.

At two o'clock P M. the Assembly reconvened.

Speaker Hewitt in the chair.

MOTION.

Mr. Schmitt moved that the Assembly proceed with the consideration of Senate messages.

Motion carried.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER SACRAMENTO, December 2 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following Assembly Concurrent Resolution No 6—Relative to extending an invitation to a committee from the New York Legislature to visit the California Legislature.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Assembly concurrent resolution ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, December 2, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following Senate Joint Resolution No 2—Relating to the action of the Russian Government in discriminating against the admission of certain classes of American citizens into that country

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Senate joint resolution read, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, December 2, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following, as a case of urgency, Senate Bill No 21—An Act to legalize registration of electors

WALTER N PARRISH, Secretary of Senate
By FRANK MATTISON Assistant Secretary

Senate Bill No 21 read first time.

CASE OF URGENCY.

The following resolution was offered.

By Mr Lyon of Los Angeles:

Resolved, That Senate Bill No. 21 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read

The roll was called

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Lyon of Los Angeles moved a call of the House

Motion carried.

Time, two o'clock and ten minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called and the following answered to their names:

Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Flint, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Preisker, Randall, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—51

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Crosby.

The roll of absentees was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—56

NOES—None.

SECOND READING OF SENATE BILL.

Senate Bill No. 21—An Act to legalize registrations of electors.

Bill read second time, and ordered to third reading

THIRD READING OF SENATE BILL.

Senate Bill No. 21—An Act to legalize registrations of electors.

Bill read third time.

The question being on the adoption of the emergency clause

The roll was called, and the emergency clause adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint,

Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—55.

NOES—None.

The question being on the pasage of the bill.

The roll was called, and Senate Bill No. 21 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Hamilton: Assembly Bill No. 40—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurements and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standard of weights and measures; designating the officers to enforce and carry into effect the provisions of this Act; providing for the appointment of sealers of weights and measures and their deputies in the various counties, incorporated cities, incorporated cities and counties, and incorporated towns, defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

Bill read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. Randall: Assembly Bill No. 41—An Act to amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22d, 1909, to extend its operation to the acquirement of land for public library purposes.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Bliss: Assembly Bill No. 42—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof,

and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district when the same shall be ascertained by law.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees, and River Improvements.

By Mr. Brown: Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to section nine of article five of the Constitution of the State of California, in relation to the convening of the Legislature on extraordinary occasions.

Read, and referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON DIRECT LEGISLATION.

ASSEMBLY CHAMBER, SACRAMENTO, December 2, 1911.

MR. SPEAKER: Your Committee on Direct Legislation, to whom was referred Assembly Bill No. 8—An Act to amend Section 4021*a* of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof.

Also: Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

Also: Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Also: Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Have had the same under consideration, and respectfully report the same back with amendments and recommend that they do pass as amended.

TIBBITS, Chairman.

The above reported bills ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 2, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Bill No. 21—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made to California of certain lands for the benefit of school and internal improvements, authorizing the conveyance of lands by officers of this State for the purpose of adjustment and settlement and making an appropriation to carry out the provisions of said Act—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be referred to Committee on Ways and Means.

FREEMAN, Chairman.

The above reported bill ordered on file, and re-referred to Committee on Ways and Means.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, November 27; Tuesday, November 28; Wednesday, November 29; Thursday, November 30, and Friday, December 1, 1911, were approved as corrected by the Minute Clerk.

ADJOURNMENT.

At two o'clock and thirty-five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until one o'clock and thirty minutes P. M. of Monday, December 4, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, December 4, 1911.

At one o'clock and thirty minutes P. M., pursuant to adjournment, the Assembly was called to order

Hon A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs Beatty, Beckett, Bennink Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Denegri, Feeley Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—67.

Quorum present

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Clark.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs. Schmitt, Walker, Cunningham, Crosby, and Cronin.

On motion, leave of absence was granted Messrs. Farwell and Butler until Wednesday, December 6, 1911.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Slater, Mr. C. R. Matlock, Miss Eva Matlock and Edwin Frazee of Santa Rosa were granted the privileges of the floor for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON IRRIGATION AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1911.

MR SPEAKER Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No 29—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LYON of Los Angeles, Chairman

The above reported bill ordered on file for second reading:

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1911

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass

JONES, Chairman

The above reported bill ordered on file for second reading:

ON SWAMP AND OVERFLOWED LANDS, LEVEES, AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1911.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to whom was referred Assembly Bill No. 42—An Act excluding certain lands from Reclamation District No. 535—have had the same under consideration, and respectfully report the same back and recommend that it do pass

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, December 4 1911

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 24—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

YOUNG, Chairman

The above reported bill ordered on file for second reading.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1911

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 25—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Also: Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended

YOUNG, Chairman.

The above reported bills ordered on file for second reading.

INTRODUCTION OF BILLS

The following bills were introduced, and referred as indicated:

By Mr Ryan: Assembly Bill No 43—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of assemblymen and senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of senators and assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act.

Bill read first time, and referred to Committee on Reapportionment

By Mr. Judson: Assembly Bill No. 44—An Act validating the forma-

tion and organization and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

Bill read first time, and referred to Committee on Irrigation and Drainage

By Mr. Young: Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Bill read first time, and referred to Committee on Election Laws

Also: Assembly Bill No 46—An Act to amend Section 1072 of the Political Code of the State of California, relating to compensation of officers of election.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 47—An Act to amend Section 1115 of the Political Code of the State of California, relating to index to register.

Bill read first time, and referred to Committee on Election Laws

Also: Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to the board of election and manner of voting.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Preisker: Assembly Bill No. 51—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

Bill read first time, and referred to Committee on Reapportionment

By Mr. Polsley: Assembly Bill No. 52—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts.

Bill read first time, and referred to Committee on Reapportionment.

By Mr. Hamilton: Assembly Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending sections three and six, article four, thereof.

Read, and referred to Committee on Constitutional Amendments.

SECOND READING OF BILLS.

Assembly Bill No. 8—An Act to amend Section 4021*a* of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 4, after the word "or" insert the following "supervisorial".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 4, strike out the words "other than a school district".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 13, strike out the words "twenty-five" and insert in lieu thereof the following: "twenty".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, lines 35 to 37, strike out all beginning with the word "that", on line 35, down to and including the comma after the word "subscribed", on line 37, said page.

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 1, line 39, strike out the words "a registered" and insert in lieu thereof the following: "the person whose name purports to be thereunto subscribed and of a qualified".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 1, line 28, strike out the comma after the word "residence" and all thereafter down to and including the word "number", on line 30, said page, and insert in lieu thereof the following: "and occupation, giving street and number, where such street and number, or either, exist, and if no street or number exist, then such a designation of the place of residence as will enable the location to be readily ascertained".

Amendment adopted.

AMENDMENT No. 7.

On page 3, Section 1, line 73, after the word "made" insert the following: "by petition".

Amendment adopted.

AMENDMENT No. 8.

On page 3, Section 1, line 74, after the word "code", insert the following: ", except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the election as a convention delegate or participation in a primary election be any bar to signing such petition".

Amendment adopted.

AMENDMENT No. 9.

On page 4, Section 1, line 108, strike out the semicolon after the word "law" and all thereafter to the end of the bill, and insert in lieu thereof a period after the word "law" on line 108 and the following: "where the office of registrar of voters exists, the duties herein imposed upon the county clerk shall be performed by said registrar of voters".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 7, strike out the word "registered", and insert in lieu thereof the following "qualified".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 10, strike out the comma after the word "residence" and all thereafter down to and including the word "number", on line 12, said page, and

insert in lieu thereof the following "and occupation, giving street and number, where such street and number, or either exist, and if no street and number exist, then such a designation of the place of residence as will enable the location to be readily ascertained."

Amendment adopted.

AMENDMENT No. 3

On page 2, Section 1, line 17, strike out the words beginning with the word "that", on line 17 down to and including the comma after the word "subscribed", on line 18, said page.

Amendment adopted.

AMENDMENT No. 4

On page 2, Section 1, line 20, strike out the words "a registered", and insert in lieu thereof the following "the person whose name purports to be thereunto subscribed, and of a qualified".

Amendment adopted.

AMENDMENT No. 5

On page 5, Section 1, line 14, strike out the words "statement of", and insert in lieu thereof the following: "declaration of, and the facts constituting".

Amendment adopted.

AMENDMENT No. 6.

On page 5, Section 1, line 144, strike out the word "registered" and insert in lieu thereof the following "qualified".

Amendment adopted.

AMENDMENT No. 7.

On page 5, Section 2, strike out the words "This act shall take effect immediately", and insert in lieu thereof the following: "where the office of registrar of voters exists, the duties herein imposed upon the county clerk, shall be performed by said registrar of voters".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 10, strike out the word "registered" and insert in lieu thereof the following "qualified".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 32, strike out the words beginning with the word "that" to and including the comma after the word "subscribed" on line 34 of said page.

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, lines 36 and 37, strike out the words "a registered" and insert in lieu thereof the following "the person whose name purports to be thereunto subscribed, and of a qualified".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 25, strike out the comma after the word "residence" and all thereafter down to and including the word "number" on line 27, said page, and insert in lieu thereof the following, "and occupation, giving street and number, where such street and number, or either, exist, and if no street or number exist,

then such a designation of the place of residence as will enable the location to be readily ascertained".

Amendment adopted.

AMENDMENT No 5

On page 3, Section 1, line 71, after the word "made", insert the following "by petition".

Amendment adopted.

AMENDMENT No 6

On page 3, Section 1, line 72, after the word "code", insert a semicolon and the following "except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the election as a convention delegate or participation in a primary election be any bar to signing such petition".

Amendment adopted.

AMENDMENT No 7.

On page 4, Section 1, line 105, strike out the semicolon after the word "law" and all of said section following said word "law," and insert in lieu thereof a period

Amendment adopted.

AMENDMENT No 8.

On page 5, Section 4, strike out all of said section

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 5, strike out the word "registered", and insert in lieu thereof the following: "qualified".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 9, strike out the comma after the word "residence" and all thereafter down to and including the word "number", on line 11, said page, and insert in lieu thereof the following: "and occupation, giving street and number, where such street and number, or either, exist, and if no street or number exist, then such a designation of the place of residence as will enable the location to be readily ascertained".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 15, strike out the words beginning with the word "that", on line 15, down to and including the comma after the word "subscribed", on line 17, said page.

Amendment adopted.

AMENDMENT No 4.

On page 1, Section 1, lines 18 and 19, strike out the words "a registered", and insert in lieu thereof the following: "the person whose name purports to be thereunto subscribed, and of a qualified".

Amendment adopted.

AMENDMENT No. 5.

On page 4, Section 1, line 132, strike out the words "statement of", and insert in lieu thereof the following: "declaration of, and the facts constituting"

Amendment adopted.

AMENDMENT No. 6.

On page 5, Section 4, strike out all of said section.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

ADJOURNMENT.

At two o'clock P. M., on motion of Mr McDonald, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, December 5, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, December 5, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater Smith Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams Wilson, Wyllie Young, and Mr Speaker—70

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with on motion of Mr Gerdes.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs Walker Clark Crosby, Ryan, and Telfer

Leave of absence was granted Messrs Hinshaw and Lyons of Los Angeles for Tuesday, December 5, and Wednesday, December 6, 1911.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON DIRECT LEGISLATION.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1911

MR SPEAKER Your Committee on Direct Legislation, to whom was referred Assembly Bill No 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within

such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28¾, and providing for the recall of elective officers of irrigation districts—have had the same under consideration, and respectfully report the same back and recommend that it do pass

TIBBITS, Chairman

The above reported bill ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 2—In relation to the action of the Russian Government in discriminating against certain class of American citizens in that country—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

Senate joint resolution ordered on file for consideration.

ON STATE HOSPITALS AND ASYLUMS

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 20—An Act to amend Section 2185c of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass

McGOWEN, Chairman

The above reported bill ordered on file for second reading.

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1911

MR SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution offered by Mr. McGowen, concerning the employment of necessary assistance in the Assembly, have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the action of Ed H. Whyte, Sergeant-at-Arms of the Assembly, and L. B. Mallory, Chief Clerk thereof, in preparing for and in employing necessary assistance in the organization of the Assembly, and subsequent thereto, to perform the duties of Assistant Sergeant-at-Arms, Gatekeepers, Pages and Porters and one Committee Clerk, is hereby approved and ratified, and the State Controller is hereby directed to draw his warrant in favor of said Ed H Whyte against the Contingent Fund of the Assembly in the sum of one hundred twenty-seven (127 00) dollars, said payment being on account of services rendered as follows, and the State Treasurer is hereby authorized and directed to pay the same:

L B. Mallory, Chief Clerk, 3 days at $10 00	$30 00
Ed H Whyte, Sergeant-at-Arms, 2 days at $8.00	16 00
Ed E. Reese, Assistant Sergeant-at-Arms, 3 days at $5 00	15 00
Ben Chambers, Gatekeeper, 1 day at $3 00	3 00
Dave Ellis, Gatekeeper, 1 day at $3 00	3 00
George Cushing, Gatekeeper, 1 day at $3.00	3 00
Tom Farwell, Page, 1 day at $2.50	2 50
Ed Frates, Page, 1 day at $2 50	2 50
John Kofod, Porter, 1 day at $3 00	3 00
James Green, Porter, 5 days at $3 00	15 00
Martin Burke, Porter, 2 days at $3.00	6 00
E I Burns, Committee Clerk, 7 days at $4 00	28 00
Total	$127 00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Beckett, Beumink, Bishop, Bliss, Bolmett, Brown, Chandler Cogswell, Cronin Cunningham Feeley, Fitzgerald Flint, Freeman Gerdes Griffin of Modesto Griffiths Hall, Hamilton Harlan, Hayes, Held, Hinkle, Jasper Jones Joel, Judson, Kehoe, Kennedy, Lamb Lynch Lyon of San Francisco Maher, Malone, March, McGowen, Mendenhall, Mott, Nolan Polsley, Rodgers of San Francisco, Rogers of Alameda Rosendale, Rutherford Slater, Smith Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson Wythe, Young and Mr Speaker—55

NOES—None

INTRODUCTION OF BILL.

The following bill was introduced, and referred as indicated:

By Mr. Held: Assembly Bill No 53—An Act to amend Section 2694 of the Political Code, relating to public highways

Bill read first time, and referred to Committee on Corporations.

RESOLUTION.

The following resolution was offered:

By Mr. Bliss:

Resolved, That the names of E I Burns, heretofore appointed as Clerk to the Speaker, and Dave Ellis, heretofore appointed as Porter, and Marie Krachen, heretofore appointed Stenographer, be stricken from the rolls; and be it further

Resolved, That the following named persons be and they are hereby appointed and employed for the position and at the per diem set opposite their respective names, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, said appointments to date from and include the 5th day of December, 1911, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz:

E I Burns, as Clerk to Speaker	$4 00
Martin Burke, Porter	3 00
Agnes Kesseler, Stenographer	5 00

Mr. Bliss moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett Bennink, Bishop, Bliss, Bolnett, Brown, Callaghan, Cattell, Chandler, Cronin, Cunningham, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rodgers of San Francisco Rogers of Alameda Rosendale, Rutherford, Slater Smith, Stevenot Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None

SECOND READING OF BILLS.

Assembly Bill No. 24—An Act to amend Section 4023 of the Political Code of the State of California relating to eligibility to county, district and township offices

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No 25—An Act to amend Section 1106 of the Political Code of the State of California, relating to cancellation of names entered in the great register.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

On page 1, Section 1, line 8 of the printed bill, strike out the period after the word "registered", and insert in lieu thereof a comma and the following "or of the loss of citizenship by marriage to an alien, or from any other cause"

Amendment adopted.

AMENDMENT No 2

On page 2, Section 1, line 22 of the printed bill, strike out the period after the word "registered", and insert in lieu thereof a comma and the following "or the loss of citizenship by marriage to an alien, or from any other cause"

Amendment adopted.

AMENDMENT No 3

On page 2, Section 1, line 23 of the printed bill, strike out all of Section 7

Amendment adopted.

AMENDMENT No 4.

On page 2, Section 1, line 27 of the printed bill, strike out the figure "8", and insert in lieu thereof the figure "7".

Amendment adopted.

AMENDMENT No. 5

On page 2 Section 1, line 30 of the printed bill, strike out the figure "9", and insert in lieu thereof the figure "8".

Amendment adopted.

AMENDMENT No 6.

On page 2, Section 1, line 39 of the printed bill, strike out the figures "10", and insert in lieu thereof the figure "9".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 3 of the printed bill, strike out everything after and including the comma down to and including the comma in line 8.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 29—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Bill read second time, and ordered to engrossment and third reading

ADJOURNMENT.

At ten o'clock and twenty-five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, December 6, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, December 6, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wallie, Young, and Mr. Speaker—75.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs. Walker, Crosby, Gaylord, and Ryan.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Gerdes.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, December 6, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Also: Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Also: Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

YOUNG, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 6, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 22—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

Also Assembly Bill No 23—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Have had the same under consideration and respectfully report the same back, with amendments, and recommend that they do pass as amended.

YOUNG, Chairman.

The above reported bills ordered on file for second reading.

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 6, 1911

MR SPEAKER Your Committee on Building and Loan Associations, to whom was referred Assembly Bill No 12—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

MOTT, Chairman

The above reported bill ordered on file for second reading

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, December 6, 1911.

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No 33—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions bureaus and departments directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving advertising, noticing and publication of all advertisements publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, with amendments and recommend that it do pass as amended

KEHOE, Chairman

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER SACRAMENTO, December 6, 1911.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 26—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code—have had the same under consideration, and respectfully report the same back and recommended that it do pass.

KEHOE, Chairman

The above reported bill ordered on file for second reading

INTRODUCTION OF BILLS

The following bills were introduced, and referred as indicated:

By Mr Preisker: Assembly Bill No 54—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers.

Bill read first time, and referred to Committee on Corporations

By Mr Sutherland: Assembly Bill No 55—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands

Bill read first time and referred to Committee on Public Lands and Forestry

By Mr. Clark: Assembly Bill No 56—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Bill read first time, and referred to Commitee on Conservation.

Also Assembly Joint Resolution No 1—Relative to petitioning Congress to appropriate one million (1,000,000) dollars for the improvement of Yosemite National Park

Read, and referred to Committee on Conservation

By Messrs Slater and Preisker: Assembly Concurrent Resolution No 7—Relative to adjournment *sine die*

Read, and referred to Committee on Ways and Means

By Mr Bishop, Assembly Concurrent Resolution No. 8—Relative to adjournment *sine die*

Read, and referred to Committee on Ways and Means.

CONSIDERATION OF SENATE JOINT RESOLUTION.

Senate Joint Resolution No. 2—Relating to the action of the Russian Government in discriminating against the admission of certain classes of American citizens into that country

The question being on the adoption of joint resolution

Senate Joint Resolution No. 2 adopted, and ordered transmitted to the Senate

SECOND READING OF BILLS.

Assembly Bill No. 42—An Act excluding certain lands from Reclamation District No 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district when the same shall be ascertained by law.

During second reading of bill, the following amendment was submitted by Mr. Bliss:

Amend by adding a new section to be numbered Section 2, to read as follows

SEC 2 This Act is hereby declared to be an urgency measure within the meaning of Section 1, Article IV of the Constitution, and is deemed necessary for the immediate preservation of the public peace, health, and safety. The following is a statement of the facts constituting such necessity That Reclamation District No 535 is a reclamation district organized and existing under the laws of the State of California that an election was held in accordance with law on the twelfth day of September 1911, for the purpose of determining whether certain adjacent territory should be annexed to the city of Sacramento embracing among other land to be annexed a portion of the land included within the boundaries of said Reclamation District No 535, and subject to the jurisdiction thereof, that at said election it was duly voted to include such portion of said land within the city of Sacramento and that by proceedings duly had after due and legal notice given such portion of said Reclamation District No 535 is now embraced within the boundaries of the city of Sacramento as they now exist and as such is subject to the jurisdiction of the city of Sacramento as to the levying of assessment and collection of taxes, building of

levees, promotion of drainage and protection from overflow, that to avoid a conflict of jurisdiction as to the right to give, control and regulate the same and to impose taxes and assessments thereon, and to establish a system of sewers and drainage therein, it is essential that all that portion of Reclamation District No. 535 embracing lands within the limits of the city of Sacramento as they now exist and being such land as became a part of the city of Sacramento by virtue of the election aforesaid should be excluded from said Reclamation District No. 535 without prejudice to the right of the said reclamation district to exist as to the remaining lands within the boundaries thereof.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts

Bill read second time and ordered to engrossment and third reading

Assembly Bill No. 20—An Act to amend Section 2185c of the Political Code of the State of California

During second reading of bill, the following amendment was submitted by Mr. Held:

On page 1, Section 2, strike out all of Section 2

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 6, 1911

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof

Assembly Bill No. 29—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller

Assembly Bill No 24—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices

And report that the same have been correctly engrossed

RANDALL, Chairman

ADJOURNMENT.

At ten o'clock and forty minutes A. M., on motion of Mr Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, December 7, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, December 7, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crouin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stucken-bruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs. Walker and Crosby.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Cattell.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 7, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following has been correctly enrolled: Assembly Concurrent Resolution No. 6—Relative to extending an invitation to a committee from the New York Legislature to visit the California Legislature—and was presented to the Governor December 6, 1911, at three o'clock and thirty minutes P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 7, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Assembly Bill No. 8—An Act to amend Section 4021*a* of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof.

Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum by electors of counties.

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation pur-

poses," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts.

Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter.

Assembly Bill No. 25—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ON SWAMP AND OVERFLOWED LANDS, LEVEES, AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 7, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to whom was referred Assembly Bill No. 38—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers—have had the same under consideration and respectfully report the same back, with amendments, and recommend that it do pass as amended.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, December 7, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to the board of election and manner of voting—have had the same under consideration and respectfully report the same back, with amendments, and recommend that it do pass as amended.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 6, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 13 read first time and referred to Committee on Commissions and Public Expenditures.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Beckett: Assembly Bill No. 57—An Act to amend Section 117 of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

Bill read first time, and referred to Committee on Reapportionment.

By Mr. Bliss: Assembly Bill No. 58—An Act to amend Section 1115

of the Political Code, relating to the printing of copies of the index to registrations.

Bill read first time, and referred to Committee on Election Laws

By Mr. Judson: Assembly Bill No 59—An Act to amend Section 10 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885, said amendment relating to distribution of appropriated waters

Bill read first time, and referred to Committee on Irrigation and Drainage

By the Committee on Agriculture, Fruit and Vine Interests: Assembly Joint Resolution No 2—Relative to the Simmons National Quarantine Act, now before Congress.

Read, and referred to Committee on Federal Relations

RESOLUTION.

The following resolution was offered:

By Mr Bliss:

Resolved, That the name of B F. Woerner, heretofore appointed as Stenographer, be stricken from the roll; and be it further

Resolved, That Irene Darwin be and she is hereby appointed and employed for the position of Stenographer at a per diem of five dollars ($5 00), said per diem to be paid out of the appropriation for the contingent expenses of the Assembly said appointment to date from and include the seventh day of December, 1911, and the State Controller is hereby authorized and directed to draw his warrant upon the said fund in favor of said Irene Darwin for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Beatty Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams Wilson, Wyllie, Young, and Mr Speaker—63.

NOES—None

THIRD READING OF BILLS.

Assembly Bill No. 24—An Act to amend Section 4023 of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler Clark, Cogswell, Cronin Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle Hinshaw, Jasper, Jones Joel, Judson, Kehoe Kennedy, Lamb Lyon of San Francisco, Maher Malone, March McDonald, McGowen, Mendenhall Mullally, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—66.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 29—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereof, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 29 passed by the following vote:

AYES—Messrs Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McDonald McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr Speaker—63

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson Wylie Young, and Mr Speaker—65

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

SECOND READING OF BILLS.

Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 48—An Act to amend Section 1151 of the Polit-

ical Code of the State of California, relating to board of elections for special election precincts—poll lists.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 22—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

On page 1, Section 1 line 4, strike out the words 'first meeting held in April, 1912' and insert in lieu thereof the words 'second meeting held in May 1912.".

Amendment adopted.

AMENDMENT No 2

On page 1, Section 1, line 10, strike out the words "first and third", and insert in lieu thereof the words "third and sixth"

Amendment adopted

AMENDMENT No 3

On page 2, strike out all of Section 3

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 12—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, relating to the powers and duties of the Building and Loan Commissioner.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

On page 3, Section 9, line 17, strike out the comma after the word "public."

Amendment adopted.

AMENDMENT No 2

On page 4, Section 9, line 68, after the word "all" insert the word 'the'.

Amendment adopted.

AMENDMENT No 3

On page 6, Section 9, line 108, after the word "final" insert the words 'dividend in

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No 23—An Act to amend Section 4013 of the Political Code of California, relating to the officers of the county.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, strike out all of Section 2

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 26—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code .

Bill read second time and ordered to engrossment and third reading

RECESS.

At ten o'clock and thirty-five minutes A. M., on motion of Mr Bohnett, the Assembly was declared at recess until one o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At one o'clock and thirty minutes P. M., the Assembly reconvened. Speaker Hewitt in the chair.

LEAVE OF ABSENCE.

On motion, leave of absence for Thursday, December 7, and Friday, December 8, 1911, was granted Mr. Lyon of Los Angeles

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 7, 1911

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No 10—An Act to amend Section 1142 of the Political Code of the State of California, relating to elections

Also: Senate Bill No 29—An Act to amend Section 1 of an Act entitled "An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee," approved May 1, 1911, relating to reciprocal or interinsurance against loss or other damage to property

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

Senate Bill No. 10 read first time, and referred to Committee on Election Laws.

Senate Bill No. 29 read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO December 7, 1911

MR SPEAKER Your Committee on Election Laws, to whom was referred Assembly Bill No 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

YOUNG, Chairman

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 7 1911

MR SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No 26—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code

Also: Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Also: Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Also: Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Rogers: Assembly Bill No. 60—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

Bill read first time, and referred to Committee on Education.

By Mr. Griffin: Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation and Drainage.

By Mr. Young: Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 6 of Article IV thereof, relating to the establishment of senatorial and assembly districts, and the apportionment of members of Senate and Assembly.

Read first time, and referred to Committee on Reapportionment.

By Mr. Bennink: Assembly Joint Resolution No. 3—Relative to a bill before Congress, known as the "Sulloway Bill," for the relief of the veterans of the Civil War.

Read, and referred to Committee on Federal Relations.

ADJOURNMENT.

At one o'clock and forty-five minutes P. M., on motion of Mr. Gerdes, the Assembly was declared adjourned until ten o'clock A. M. of Friday, December 8, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, December 8, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Walker, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham,

Denegri, Farwell Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs. Walker and Crosby.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Joel.

COMMUNICATION

The following communication was filed by the Speaker and ordered printed in the Journal:

NEW YORK STATE

JOINT LEGISLATIVE COMMITTEE PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

SAN FRANCISCO, CAL., December 4, 1911.

To the Honorable Speaker of the California State Assembly, State Capitol, Sacramento, Cal.:

SIR: At a meeting of our committee held to-day, a resolution was unanimously adopted wherein it was resolved that I express to the members of your honorable body, the Assembly, our sincere appreciation for their kind invitation to visit the California Legislature, now convened in special session at the State Capitol at Sacramento.

I can assure you that we would be glad indeed to avail ourselves of the opportunity of visiting you and paying our respects if our time in California permitted, but urgent business interests of some of our members make it necessary for us to complete the details in connection with our visit as quickly as possible. However, we hope an opportunity will be afforded at some future time of visiting your capital while the Legislature is in session when such visit may be given the time it rightfully deserves.

Very truly yours,

THOS. H. CULLEN, Acting Chairman.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911.

Mr. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 20—An Act to amend Section 2185c of the Political Code of the State of California.

Also Assembly Bill No. 42—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district when the same shall be ascertained by law.

And report that the same have been correctly engrossed.

RANDALL, Chairman

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911

MR SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence—have had the same under consideration, and respectfully report the same back without recommendation

KEHOE, Chairman

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Concurrent Resolution No. 4—Relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition—have had the same under consideration, and respectfully report the same back, with amendments and recommend that the same be adopted as amended

KEHOE, Chairman

The above reported Assembly concurrent resolution ordered on file for consideration.

ON COMMISSIONS AND PUBLIC EXPENDITURES

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911

MR SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control, and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

DENEGRI, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 7—Relative to adjournment *sine die*.

Also, Assembly Concurrent Resolution No. 8—Relative to adjournment *sine die*

Have had the same under consideration, and respectfully report the same back and recommend that they be not adopted.

COGSWELL, Chairman

The above reported Assembly concurrent resolutions ordered on file for consideration

THIRD READING OF BILLS.

Assembly Bill No 8—An Act to amend Section 4021*a* of the Political Code providing for the recall of elective officers of counties and subdivisions thereof.

During the third reading of the bill, Mr Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

Section 1 page 1, line 4, strike out the word "Supervisorial" and insert the word "Supervisor

Also Section 1, page 3 line 63, after the word days", and before the comma insert the following: "from the date of the order calling such election"

Also Section 1, page 2, line 23, strike out the word "voters" and insert in lieu thereof the word "electors".

Also Section 1, page 2, line 31, strike out the word "an" and insert in lieu thereof the following "a qualified".

Also Section 1, page 2, line 43, strike out the word "voters" and insert in lieu thereot the following "electors".

Also Section 1, page 3, line 72, after the word "more" insert the following: "elective"

Also: Section 1, page 3, line 75, strike out the word "reason" and insert the following "reasons".

Also. Section 1 page 4, line 90, after the word "vote" insert the following: "cast".

Also Section 1, page 3, line 56, before the word "If" insert the following: "If required by the clerk, the board of supervisors shall authorize him to employ, and shall provide for the compensation of, persons necessary in the examination of said petition and supplementing petitions, all in addition to the persons regularly employed by him in his office In case the clerk is the officer sought to be recalled, the duties herein provided to be performed by him, shall be performed by some other person designated by said board, for that purpose"

Motion carried.

The Speaker appointed Mr. Held as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 8, with instructions, do now report that the instructions of the Assembly have been carried out.

HELD, Select Committee

Report of select committee and amendments adopted

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns

During the third reading of the bill, Mr. Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

Section 1 page 2, line 21 strike out the word "voters" and insert the following "electors"

Also Section 1, page 2 line 30, strike out the word "an" and insert in lieu thereof the following "a qualified".

Also Section 1, page 3, line 62, strike out the word "board" and insert in lieu thereot the following "legislative body of the city or town.".

Also Section 1, page 3, line 69, strike out the words "of one or more" and insert in lieu thereof the following "and election of one or more elective,"

Also Section 1, page 4, line 105, strike out the word "decreed" and insert in lieu thereof the following "deemed".

Also Section 3, page 4, line 1, after the word "of" insert the following "an Act entitled"

Also Section 1, page 3 line 61, after the word "days" and before the comma insert the following "from the date of the order calling such election,"

Also Section 1, page 3 line 54, before the word "If" insert the following "If required by the clerk, the legislative body of said city or town shall authorize him to employ and shall provide for the compensation to be paid, persons necessary in the examination of said petition and supplementing petition, all in addition to the persons regularly employed by him in his office In case the clerk is the officer sought to be recalled the duties herein provided to be performed by him shall be performed by some other person designated by said legislative body for that purpose"

Motion carried

The Speaker appointed Mr. Held as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 10, with instructions, do now report that the instructions of the Assembly have been carried out

HELD, Select Committee.

Report of select committee and amendments adopted

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 4 passed by the following vote.

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mott, Mullally, Polsley, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 45 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 50 passed by the following vote.

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—67

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 48 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to the board of election and manner of voting.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 12, after the semicolon, insert the following: "*provided*, that in any precinct which has a total registration of less than seventy-five voters, the election board may, in the discretion of the board of supervisors or other board having charge and control of elections in such precinct, consist of one inspector, one judge, and two clerks."

Amendment adopted.

AMENDMENT No. 2.

On pages 1 and 2, Section 1, lines 17 to 19, inclusive, strike out the semicolon and everything following down to and including the period in line 19, and insert in lieu thereof the following: a period followed by the words "The inspectors, judges, and clerks upon each board of election shall distribute the extra duties devolving upon such board of election in addition to their own duties in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this Code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision. Not more than two members of any board of election shall be absent from the polling place at any one time."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 28 of the printed bill, after the word "precinct," strike out the remainder of line 28 down to the period.

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 49, after the period, strike out everything down to and including the period in line 57.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 1 of the printed bill, strike out "8th" and insert in lieu thereof "14th".

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 19 of the printed bill, after the word "kind" insert the words "to get his name upon the ballot".

Amendment adopted.

AMENDMENT No. 3.

On page 2, line 57 of the printed bill, omit the words "shall appear at the top and center" and insert in lieu thereof the words "and the headings for the same shall appear at the top".

Amendment adopted.

AMENDMENT No 4.

On page 3, lines 59 to 62, inclusive, of the printed bill, omit the sentence beginning with "As".

Amendment adopted.

AMENDMENT No. 5.

On page 3, lines 64 to 66, inclusive, of the printed bill, omit everything after the word "be," to the end of line 66, and insert in lieu thereof the following: "the order in which the nomination papers of such candidates are filed with the Secretary of State and such names shall be printed one after the other in a horizontal line, each name being followed by a voting square, the space for the name and voting square together being headed by the words 'For Presidential Nominee', printed in heavy face ten point gothic type, and occupying no less than two and one half inches of horizontal space. Above the words and spaces herein described shall be printed in heavy face twelve point gothic type the words 'Vote for One as Your Choice for Presidential Nominee'."

Amendment adopted.

AMENDMENT No 6

On page 4, line 9 of the printed bill, after the word "that" insert a comma and the words "whenever a number of candidates for delegates join together in appointing the same verification deputies, and in filing statements with the Secretary of State, as hereinafter provided in this section, setting forth that said candidates for delegates prefer the same person as candidate for presidential nominee,"

Amendment adopted.

AMENDMENT No. 7

On page 4, line 10 of the printed bill, omit the word "printed" and insert in lieu thereof the word "filed".

Amendment adopted.

AMENDMENT No 8

On page 4, line 24 of the printed bill, after the comma insert the following: "that such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a state political organization created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement either of the candidate or of the organization supporting him, to be filed with the Secretary of State. No candidates for delegate not thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; *and further provided*,".

Amendment adopted.

AMENDMENT No. 9.

On page 4, lines 28 to 31, inclusive, of the printed bill, omit all after the word "group" and insert the words "which has received the endorsement as herein

recited: *provided*, that one of the groups in which his name occurs has received such endorsement."

Amendment adopted.

AMENDMENT No. 9½

On page 5, line 3 of the printed bill, after the comma insert the words "each column standing directly underneath the space headed by the words, 'For Presidential Nominee,' and".

Amendment adopted.

AMENDMENT No. 10

On page 5, lines 7 and 8 of the printed bill, omit the words "for each assembly district"

Amendment adopted.

AMENDMENT No. 11.

On page 5, line 17 and lines 28 and 29 of the printed bill, omit the word "miscellaneous," and insert in lieu thereof in each case the words "No Preference."

Amendment adopted.

AMENDMENT No. 12.

On page 5, line 29 of the printed bill, after the period insert the sentence "The names of each group on the ballot shall be numbered in heavy face, eight point type."

Amendment adopted.

AMENDMENT No. 13.

On page 5, line 30 of the printed bill, omit the words "or groups of names".

Amendment adopted.

AMENDMENT No. 14.

On page 5, lines 31 and 32 of the printed bill, omit the words "or groups of names".

Amendment adopted.

AMENDMENT No. 15.

On page 5, line 32 of the printed bill, before the period insert a comma and the words "*provided*, that above the individual names in each column shall appear the group of names, if any, which has received the endorsement provided in Section 4 of this Act".

Amendment adopted.

AMENDMENT No. 16.

On pages 5 and 6 of the printed bill, lines 32 to 44, inclusive, omit all the sentence beginning with the words "In the event".

Amendment adopted.

AMENDMENT No. 16½.

On page 6, omit line 54, and insert in lieu thereof the following: "name from any other name or from any group of names shall".

Amendment adopted.

AMENDMENT No. 17.

Omit all that part of Section 6 which appears on page 7.

Amendment adopted.

AMENDMENT No. 18.

On page 7, Section 7, at the end of line 5 of the printed bill, insert the following: "and each alternate must be selected from the congressional district of the delegate for whom he is an alternate;".

Amendment adopted.

AMENDMENT No. 18½.

On page 7, Section 8, line 8, change "thirtieth" to "thirty-first".

Amendment adopted

AMENDMENT No. 19.

On page 7 Section 8, line 11 of the printed bill, after the period insert the following "Any person registered in accordance with the provisions of this section, and who has stated his political affiliation in accordance with Section 1096 of the Political Code, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he has declared himself affiliated"

Amendment adopted.

AMENDMENT No. 20.

On page 8, line 13 of the printed bill, after the period, insert the following: "A group consists of candidates for delegate nominated on the same nomination paper"

Amendment adopted.

AMENDMENT No. 20½.

On page 8, line 16 of printed bill, change "ten" to "twelve"

Amendment adopted.

AMENDMENT No. 21.

On page 8 of the printed bill, lines 18 and 19, omit the words "count the names before voting to make sure you".

Amendment adopted.

AMENDMENT No 22.

On page 8, lines 22 to 24, inclusive, of the printed bill, omit the sentence beginning with "Each".

Amendment adopted.

AMENDMENT No 23.

On page 9, Section 11, line 3 of the printed bill, omit the word "eighth" and insert in lieu thereof the word "fourteenth".

Amendment adopted.

AMENDMENT No. 24.

On page 9, Section 13 of the printed bill, strike out the whole section, and in lieu thereof insert the following:

"SEC 13 This Act, inasmuch as it calls an election and provides the procedure therefor, shall, under the provisions of Article IV, Section 1 of the Constitution, take effect immediately."

Amendment adopted.

AMENDMENT No. 25.

Amend the ballot which forms a part of the bill, in the manner required by such of the foregoing amendments as have to do with the form of the ballot.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

During the third reading of the bill, Mr. Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

Section 1, page 5, line 133, strike out the word "three" and insert in lieu thereof the word: "SIX".

Also, Section 1, page 5, line 136, strike out the word "No" and insert in lieu thereof the following: "Except an ordinance calling, or otherwise relating to an election, no".

Also: Section 1, page 5, line 148, strike out the word "of".

Also Section 1, page 3, strike out all beginning with the word "contain," on line 67 down to and including the period after the parenthesis after the word "ordinance," on line 70, and insert in lieu thereof the following "have printed thereon, the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite such

proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same.

Motion carried.

The Speaker appointed Mr. Held as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 9, with instructions, do now report that the instructions of the Assembly have been carried out.

HELD, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

During the third reading of the bill, Mr Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

Section 1, page 5, line 125, strike out the word "three" and insert in lieu thereof the word "six".

Also: Section 1, page 5, line 128, strike out the word "No" and insert in lieu thereof the following: "Except an ordinance calling or otherwise relating to an election, no".

Also: Section 1, page 1, line 14, strike out the word "an" and insert in lieu thereof the following: "a qualified".

Also: Section 1, page 3, strike out all of lines 63, 64 and 65, and insert in lieu thereof the following: "have printed thereon, the words: "Shall the ordinance (stating the nature thereof) be adopted?" Opposite such proposition to be voted on, and to the right thereof the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same.

Motion carried.

The Speaker appointed Mr. Held as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 11, with instructions, do now report that the instructions of the Assembly have been carried out.

HELD, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts

During the third reading of the bill, Mr Griffin moved that the Speaker appoint a select commitee of one to amend the bill as follows:

On page 2, lines 34 to 38, strike out, beginning with the words "that each," on line 34 to the words "elector of the district," on line 38, and insert in lieu thereof

the following "and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district"

On page 3, line 55, strike out the word "clerk" and insert in lieu thereof the word "secretary".

On page 4, line 98, after the word "office" insert the words "shall be made".

On page 4, line 106, strike out the semicolon after the word "law" and insert in lieu thereof a period Strike out the balance of the section after the word "law," on line 106, page 4

Motion carried.

The Speaker appointed Mr. Griffin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 39, with instructions, do now report that the instructions of the Assembly have been carried out.

GRIFFIN, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 26—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 26 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Wyllie, Young, and Mr Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 38—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

During second reading of bill, the following amendment was submitted by the committee:

In Section 4, line 1 of the printed bill, strike out the words "five thousand" and insert in lieu thereof "ten thousand".

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading

RECESS.

At ten o'clock and fifty-five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Feeley, the Misses Clara Nauman and Grace Elliot were granted the privilege of the floor for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911

MR. SPEAKER: Your Committee on Conservation, to whom was referred Assembly Joint Resolution No. 1—Relative to petitioning Congress to appropriate one million ($1,000,000) dollars for the improvement of Yosemite National Park—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

CLARK, Chairman.

The above reported joint resolution ordered on file for consideration

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

SUTHERLAND, Chairman

The above reported constitutional amendment ordered on file for consideration.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton.
Also: Assembly Concurrent Resolution No. 2—Approving the charter of the city of Sacramento.
Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

COGHLAN, Chairman.

The above reported Assembly concurrent resolutions ordered on file for consideration.

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 32—An Act to amend sections eight and ten of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards, defining the term boulevard, providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of

office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard,' approved March 22d, 1905, and the Act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911; said amendments relating to the election, appointment and qualifications of the members of said boulevard commission—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911.

MR SPEAKER, Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907—have had the same under consideration and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CHANDLER, Chairman

The above reported bill ordered on file for second reading

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 8, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 22—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149e and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

Also: Assembly Bill No. 23—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

And report that the same have been correctly engrossed.

RANDALL, Chairman

SENATE MESSAGES.

The following messages from the Senate were taken up and read.

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 23—An Act to amend Section 2185c of the Political Code of the State of California.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 23 read first time, and referred to Committee on State Hospitals and Asylums.

Also:

SENATE CHAMBER, SACRAMENTO, December 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 16½ of article eleven of the Constitution, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Constitutional Amendment No 3 read and referred to Committee on Constitutional Amendments.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Young. Assembly Bill No. 62—An Act to amend Section 1094 of the Political Code, relating to registration of electors.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 63—An Act to amend Section 1210 of the Political Code of the State of California, relating to sample election ballots.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909, said Act being otherwise designated as the direct primary law, approved April 7, 1911.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Bishop: Assembly Concurrent Resolution No. 9—Relative to adjournment *sine die*.

Read, and referred to Committee on Ways and Means.

CONSIDERATION OF CONCURRENT RESOLUTION.

Assembly Concurrent Resolution No. 4—Relative to printing on stationery of state offices, an invitation in behalf of State of California relative to Panama-Pacific International Exposition.

During the consideration of concurrent resolution the following amendment was submitted by the committee:

On page 2 of the printed resolution, strike out lines 24, 25, 26, and 27 and insert in lieu thereof the following: the words "California invites the world," around the outside of a semi-circle; inside the semi-circle the figures "1915" in larger type.

Amendment adopted.

Assembly concurrent resolution ordered to reprint, engrossment, and on file for consideration.

THIRD READING OF BILL.

Assembly Bill No. 25—An Act to amend Section 1106 of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 25 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Gayloid, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan,

Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

LEAVES OF ABSENCE

On motion, leave of absence for the day was granted Messrs. Walker, Crosby, Young, Beatty, Callaghan, Joel, Schmitt, Hewitt, Harlan, Cronin, Lyon of San Francisco, Wyllie, Coghlan, Rutherford, Stuckenbruck, Hall, Mendenhall, Polsley, Rimlinger, Nolan, Denegri, and Beckett, for Saturday, December 9, 1911.

ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Saturday, December 9, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, December 9, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Gull, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Wyllie—58.

Quorum present

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs. Walker, Griffiths, Hamilton, and Crosby.

PRAYER

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Rodgers of San Francisco.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911.

MR SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

JOEL, Chairman.

The above reported bill ordered on file for second reading.

ON REAPPORTIONMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: Your Committee on Reapportionment, to whom was referred Assembly Bill No. 19—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

Also, Assembly Bill No. 35—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

Also: Assembly Bill No 37—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21 1901, and all other Acts in conflict with this Act.

Also: Assembly Bill No 43—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act

Have had the same under consideration, and respectfully report the same back with a committee substitute therefor, with a majority recommendation that the committee substitute do pass, and a minority recommendation that it do not pass.

BOHNETT, Chairman

MOTION.

Mr Bohnett moved the adoption of the substitute.

SUBSTITUTE MOTION.

Mr. Brown moved as a substitute that the report be received, and that the committee substitute be printed and placed on file.

POINT OF ORDER.

Mr Smith rose to the following point of order: That the motions were out of order since the rules provided the procedure in the matter

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

MOTION.

Mr. Rodgers of San Francisco moved that the question be made a special order for Monday, December 11, 1911, at eleven o'clock A. M.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Benedict, Brown, Butler, Callaghan, Cattell, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Hinkle, Hinshaw, Lamb, Lyon of Los Angeles, March, McDonald, Mullally, Rodgers of San Francisco, Shragia, Smith, and Walsh—21.

NOES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Chandler, Clark, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hayes, Held, Jasper, Jones, Judson, Kehoe, Maher, Malone, McGowen, Mott, Preisker, Rogers of Alameda, Rosendale, Slater, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, and Wyllie—33.

SUBSTITUTE MOTION ACCEPTED.

Mr. Bohnett accepted the motion of Mr. Brown as a substitute.

Motion carried.

Committee Substitute for Assembly Bills Nos. 19, 35, 37, and 43—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

Read first time, and ordered to print and on file for second reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON IRRIGATION AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LYON of Los Angeles, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No. 44—An Act validating the formation and organization and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LYON of Los Angeles, Chairman.

The above reported bill ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 60—An Act to amend Section 1837 of the Political Code, relating to levying district school taxes by boards of supervisors—have had the same under consideration, and respectfully report the same back with recommendation that it do pass.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 41—An Act to amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes—have had the same under consideration, and respectfully report the same back without recommendation.

COGHLAN, Chairman

The above reported bill ordered on file for second reading

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following:

Assembly Joint Resolution No. 1—Relative to petitioning Congress to appropriate one million ($1,000,000) dollars for the improvement of Yosemite National Park.

And Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books

And report that the same have been correctly engrossed.

FARWELL, Vice-Chairman

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 8, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections twelve and twelve *a* thereof relating to the corporate names of associations other than banks

Also Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 28 read first time, and referred to Committee on Banks and Banking.

Senate Bill No. 14 read first time, and referred to Committee on Irrigation and Drainage

INTRODUCTION OF ASSEMBLY CONSTITUTIONAL AMENDMENT

The following was introduced, and referred as indicated:

By Mr. Wyllie: Assembly Constitutional Amendment No. 9—Relative to boards of education, free text-books, and use of such text-books.

Read, and referred to Committee on Constitutional Amendments

SECOND READING OF BILL

By unanimous consent, Assembly Bill No. 1 was taken up, out of order.

Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to

provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1 of the printed bill, after the enacting clause, strike out the following: "Article I."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, lines 1 and 2 of the printed bill, strike out the following: "California Railroad Commission Act" and insert in lieu thereof the following "Public Utilities Act"

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 2, subsection *f*, line 6 of the printed bill, after the word "credit", insert the following: "by express corporations".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, subsection *q*, line 5 of the printed bill, after the comma following the word "county" insert the word "or."

Amendment adopted.

AMENDMENT No. 5.

On page 3, Section 2, subsection *t*, line 5 of the printed bill, strike out the word "ways" and insert the word "way".

Amendment adopted.

AMENDMENT No. 6.

On page 3, Section 2, subsection *l*, line 3 of the printed bill, strike out the comma following the word "corporation" and insert a semicolon.

Amendment adopted.

AMENDMENT No. 7.

On page 3, Section 2, subsection *l*, line 14 of the printed bill, strike out all of the subsection following the word "state" and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 8.

On page 6, Section 2, subsection *z*, line 3 of the printed bill, strike out the following: ", receivers or trustees".

Amendment adopted.

AMENDMENT No 9.

On page 6, Section 2, subsection *aa* line 6 of the printed bill, after the comma following the word "state" insert the following "in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same,".

Amendment adopted.

AMENDMENT No. 10.

On page 9, Section 8 subsection *b*, line 4 of the printed bill, strike out the comma following the word "records".

Amendment adopted.

AMENDMENT No. 11.

On page 9, Section 10, subsection *a*, line 3 of the printed bill, strike out the comma following the word "clerks".

Amendment adopted.

AMENDMENT No. 12.

On page 10, Section 10, subsection *a*, line 6 of the printed bill, strike out the comma following the word "expert".

Amendment adopted.

AMENDMENT No. 13.

On page 10, Section 12, line 2 of the printed bill, strike out the word "January" and insert in lieu thereof the word "December".

Amendment adopted.

AMENDMENT No. 14.

On page 11 of the printed bill, preceding Section 13, strike out the following: "Article II."

Amendment adopted.

AMENDMENT No. 15.

On page 11, Section 14, subsection *a*, line 16 of the printed bill, strike out the comma following the word "aforesaid".

Amendment adopted.

AMENDMENT No. 16.

On page 12, Section 14, subsection *a*, line 23 of the printed bill, strike out the comma following the word "affect".

Amendment adopted.

AMENDMENT No. 17.

On page 12, Section 14, subsection *a*, line 26 of the printed bill, strike out the word "such" and insert in lieu thereof the following: "Subject to such rules and regulations as the commission may prescribe, such".

Amendment adopted.

AMENDMENT No. 18.

On page 12, Section 14, subsection *b*, line 57 of the printed bill, strike out the word "regulations" and all of the remainder of the sentence, including lines 58 and 59, and line 60 on page 13, and insert in lieu thereof the following: "regulations, contracts, privileges and facilities, which in any manner affect or relate to rates, tolls, rentals, classifications, or service."

Amendment adopted.

AMENDMENT No. 19.

On page 13, Section 14, subsection *c*, line 82 of the printed bill, strike out the comma following the word "rules".

Amendment adopted.

AMENDMENT No. 20.

On page 13, Section 15, line 1 of the printed bill, after the period after "15", strike out the following: "*(a)*".

Amendment adopted.

AMENDMENT No. 21.

On page 14, Section 15, line 20 of the printed bill, after the comma after the word "facility", strike out the following: "the effect of which is to increase any rate, fare, toll, rental or charge then existing, or any part thereof.".

Amendment adopted.

AMENDMENT No. 22.

On page 14, Section 15, line 22 of the printed bill, strike out the word "increase" and insert in lieu thereof the word "change".

Amendment adopted.

AMENDMENT No. 23.

On page 16, line 88 of the printed bill, after the semicolon following the word "families", insert the following: "*provided*, that such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted, or of his family".

Amendment adopted.

AMENDMENT No. 24

On page 17, line 95 of the printed bill, strike out the semicolon following the word "families" and insert a colon

Amendment adopted.

AMENDMENT No 25

On page 17, line 98 of the printed bill, strike out the semicolon following the word "made" and insert a colon.

Amendment adopted.

AMENDMENT No. 26

On page 17, line 100 of the printed bill, insert a comma after the word "rates".

Amendment adopted.

AMENDMENT No. 27.

On page 17, line 119 of the printed bill, following the word "utility," strike out the following: "other than a common carrier,".

Amendment adopted.

AMENDMENT No. 28.

On page 18, line 1 of Section 19 of the printed bill, after the period following the figures "19", strike out all of the section and insert in lieu thereof the following "No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section."

Amendment adopted.

AMENDMENT No. 29.

On page 18, Section 20 of the printed bill, strike out all of the section after the period following the figures "20" and insert in lieu thereof the following: "Nothing in this Act shall be taken to prohibit any public utility from itself profiting, to the extent permitted by the commission, from any economies, efficiencies or improvements which it may make, and from distributing by way of dividends, or otherwise disposing of, the profits to which it may be so entitled, and the commission is authorized to make or permit such arrangement or arrangements with any public utility as it may deem wise for the purpose of encouraging economies, efficiencies or improvements and securing to the public utility making the same such portion, if any, of the profits thereof as the commission may determine."

Amendment adopted.

AMENDMENT No. 30.

On page 19, Section 21, line 3 of the printed bill, after the comma after the word "power," insert the words "or telegraph".

Amendment adopted.

AMENDMENT No. 31.

On page 19, Section 21, line 4 of the printed bill, insert a comma after the word "service".

Amendment adopted.

AMENDMENT No. 32.

On page 19, Section 21, line 9 of the printed bill after the word "arrangement", strike out the following: "with its customers".

Amendment adopted

AMENDMENT No. 33.

On page 19, Section 21 of the printed bill strike out all of line 11 and insert in lieu thereof: "heat, light, water or power, or telegraph or telephone service, in relation to the".

Amendment adopted.

AMENDMENT No. 34.

On page 19, Section 22, subsection *a*, line 4 of the printed bill, after the comma following the word "empty," strike out down to and including the comma following the word "commission" on line 5.

Amendment adopted.

AMENDMENT No. 35.

On page 20, Section 22, subsection *a*, line 12 of the printed bill, after the word "any", strike out the following "connecting or intersecting point," and insert in lieu thereof the following: "point of connection,".

Amendment adopted.

AMENDMENT No. 36.

On page 20, Section 22, subsection *a*, line 25 of the printed bill, after the period following the word "charges", strike out the remainder of the subsection.

Amendment adopted.

AMENDMENT No. 37.

On page 20, Section 22, subsection *b*, line 32 of the printed bill, strike out the words "any other telephone or telegraph corporation," and insert in lieu thereof the following: "every other telephone or telegraph corporation with whose line a physical connection may have been made."

Amendment adopted.

AMENDMENT No 38.

On page 20, Section 23, subsection *a* of the printed bill strike out all of line 3 following the word "of" down to and including the word "false", in line 4, and insert in lieu thereof the following: "known false billing, classification, weight, weighing, or".

Amendment adopted.

AMENDMENT No 39

On page 21, Section 23, subsection *a*, line 12 of the printed bill, after the word "package", insert a comma.

Amendment adopted.

AMENDMENT No 40.

On page 21, Section 23, subsection *b*, line 2 of the printed bill, after the word "knowingly", strike out the words "or wilfully".

Amendment adopted.

AMENDMENT No 41

On page 21, Section 23, subsection *b*, line 9 of the printed bill, strike out the words "or otherwise".

Amendment adopted.

AMENDMENT No 42

On page 22, Section 25, subsection *b*, line 16 of the printed bill, strike out the word "same".

Amendment adopted.

AMENDMENT No 43.

On page 22, Section 25 subsection *b*, line 16 of the printed bill, after the word "in" insert the following: "the proviso in".

Amendment adopted.

AMENDMENT No 44

On page 23, Section 26, line 2 of the printed bill, strike out the following "are at present lawfully transacting", and insert in lieu thereof the following "by a compliance with the laws of this State are entitled to transact".

Amendment adopted.

AMENDMENT No. 45

On page 23, Section 26, line 5 of the printed bill strike out the words "a public utility"

Amendment adopted.

AMENDMENT No. 46.

On page 23, Section 26, line 8 of the printed bill, after the word "present", strike out the words "thus transacting", and insert in lieu thereof the following "authorized by its charter or articles of incorporation to transact".

Amendment adopted.

AMENDMENT No. 47.

On page 23, Section 26 of the printed bill, strike out all of lines 14, 15 and 16, and insert in lieu thereof the following: "*provided*, that foreign corporations engaging in commerce with foreign nations or commerce among the several states of this Union may transact within this State such commerce and intrastate commerce of a like character."

Amendment adopted.

AMENDMENT No. 48

On page 23, Section 27 line 1 of the printed bill, after the word "street", insert the following: "or interurban".

Amendment adopted.

AMENDMENT No 49

On page 23, Section 27, line 4 of the printed bill, after the word "any", strike out the words "city or town", and insert in lieu thereof the following "city and county, or city or town,".

Amendment adopted.

AMENDMENT No. 50.

On page 23, Section 27, line 7 of the printed bill, after the word "street", insert the following: "or interurban".

Amendment adopted.

AMENDMENT No. 51.

On page 23, Section 27, line 10 of the printed bill, after the word "such", insert the words "city and county, or".

Amendment adopted.

AMENDMENT No. 52.

On page 23, Section 27, line 10 of the printed bill, after the word "street", insert the words "or interurban"

Amendment adopted.

AMENDMENT No. 53.

On page 23, Section 27, line 15 of the printed bill, strike out the words "city or town" and insert in lieu thereof the following: "city and county, or city or town,".

Amendment adopted.

AMENDMENT No 54.

On page 24, Section 28 of the printed bill, after line 19, add a new paragraph, to read as follows: "(*d*) No information furnished to the commission by a public utility, except such matters as are specifically required to be open to public inspection by the provisions of this Act, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of a misdemeanor."

Amendment adopted.

AMENDMENT No. 55.

On page 25 of the printed bill, immediately preceding Section 31, strike out the following "Article III"

Amendment adopted.

AMENDMENT No. 56.

On page 25, Section 32, subsection *a*, line 6 of the printed bill, strike out the word "of" and insert in lieu thereof the word "or".

Amendment adopted.

AMENDMENT No. 57.

On page 25, Section 32, subsection *a*, line 9 of the printed bill, strike out the comma after the word "charges".

Amendment adopted.

AMENDMENT No 58.

On page 25, Section 32, subsection *a*, line 12 of the printed bill, strike out the word "to" and all of line 13 down to and including the word "rendered".

Amendment adopted.

AMENDMENT No. 59.

On page 26, Section 33, line 15 of the printed bill, strike out the word "carload".

Amendment adopted.

AMENDMENT No. 60.

On page 26, Section 33, line 20 of the printed bill, strike out the comma following the word "fares".

Amendment adopted.

AMENDMENT No. 61

On page 26, Section 33, line 26*a* of the printed bill, strike out the word "full" and insert in lieu thereof the word "local".

Amendment adopted.

AMENDMENT No 61½.

On pages 26 and 27, Section 34 of the printed bill, strike out the entire section after the period following the figures "34" and insert in lieu thereof the following: "The commission shall have the power to investigate all existing or proposed interstate rates, fares, tolls, charges and classifications, and all rules and practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages or conversations, where any act in relation thereto shall take place within this State, and when the same are, in the opinion of the commission, excessive or discriminatory or in violation of the Act of Congress entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, or of any other Act of Congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the commission may apply by petition or otherwise to the Interstate Commerce Commission or to any court of competent jurisdiction for relief."

Amendment adopted.

AMENDMENT No. 61¾.

On page 27, Section 35, line 11 of the printed bill, after the period insert the following: "The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility, and, on proper demand and tender of rates such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules."

Amendment adopted.

AMENDMENT No 62.

On page 29, Section 38, line 3 of the printed bill, strike out the word "subserved" and insert in lieu thereof the word "subserved".

Amendment adopted.

AMENDMENT No. 63.

On page 29, Section 38, line 12 of the printed bill, strike out the word "The" and insert in lieu thereof the following "After the necessary franchise or permit has been secured from the city and county, or city or town, the"

Amendment adopted.

AMENDMENT No. 64.

On page 29, Section 38, line 14 of the printed bill, strike out the word "each" and insert in lieu thereof the word "such".

Amendment adopted.

AMENDMENT No. 65.

On page 30, Section 40, in line 3 of the printed bill, after the word "connection", insert the words "can reasonably be made."

Amendment adopted.

AMENDMENT No. 66.

On page 30, Section 40, in line 6a of the printed bill, after the word "conversations", strike out the remainder of the line, all of line 7 and down to and including the word "made" in line 8.

Amendment adopted.

AMENDMENT No. 67.

On page 30, Section 40, line 11 of the printed bill, strike out the comma after the word "tolls".

Amendment adopted.

AMENDMENT No. 68.

On page 30, Section 40, line 14 of the printed bill, after the comma following the word "made", insert the following: "except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city and county, or city or town,".

Amendment adopted.

AMENDMENT No. 69.

On page 30, Section 40, line 15 of the printed bill, strike out the words "the same", and in lieu thereof insert the words "such connection".

Amendment adopted.

AMENDMENT No. 70.

On page 32, Section 43, line 21 of the printed bill, after the comma following the term "vice versa," insert the following: "subject to the provisions of Section 2694 of the Political Code, so far as applicable,".

Amendment adopted.

AMENDMENT No. 71.

On page 32, Section 44, line 9 of the printed bill, after the comma following the word "*provided*," strike out the remainder of the line and the words "shall not" in line 10 and in lieu thereof insert the following: "that neither the order or recommendation of the commission nor any accident report filed with the commission shall".

Amendment adopted.

AMENDMENT No. 72.

On page 33, Section 44, line 15 of the printed bill, strike out all of the line following the word "occurring" and also the word "accidents", in line 16, and insert in lieu thereof: "of such kinds or classes".

Amendment adopted.

AMENDMENT No. 73.

On page 33, Section 45, line 18 of the printed bill, strike out the word "extent" and the remainder of the section and in lieu thereof insert the following: "limits within which express packages shall be gathered and distributed and telegraph and telephone messages delivered without extra charge."

Amendment adopted.

AMENDMENT No. 74.

On page 33, Section 46, line 1 of the printed bill, insert a comma after the word "power".

Amendment adopted.

AMENDMENT No. 75.

On page 35, Section 48, line 36 of the printed bill, strike out all of the section following the period after the word "commission."

Amendment adopted.

AMENDMENT No. 76.

On page 36, Section 50, subsection *a*, line 8 of the printed bill, strike out the word "subsection" and insert in lieu thereof the word "section."

Amendment adopted

AMENDMENT No. 77.

On page 36, Section 50, subsection *a*, line 17 of the printed bill, strike out the word "and" and all the remainder of the subsection down to and including line 24 on page 37, and insert in lieu thereof the following: "*and provided, further*, that if any public utility, in constructing or extending its line, plant or system, shall interfere or be about to interfere with the operation of the line, plant or system of any other public utility, already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable."

Amendment adopted.

AMENDMENT No 78

On page 37, Section 50, subsection *b*, line 1 of the printed bill, after the word "utility" insert the following: "of a class specified in subsection (*a*) hereof".

Amendment adopted.

AMENDMENT No. 79.

On page 37, Section 50, subsection *c*, line 11 of the printed bill, strike out the word "railroad" and the comma following.

Amendment adopted.

AMENDMENT No. 80.

On page 38, Section 51, subsection *a*, line 1 of the printed bill, strike out the words "public utility" and in lieu thereof insert the following: "railroad corporation, street railroad corporation, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation or water corporation".

Amendment adopted.

AMENDMENT No. 81.

On page 38, Section 51, subsection *a*, line 10 of the printed bill, after the word "every" insert the word "such".

Amendment adopted.

AMENDMENT No. 82.

On page 38, Section 51, subsection *a*, line 21 of the printed bill, strike out the word "section" and in lieu thereof insert the word "subsection".

Amendment adopted

AMENDMENT No. 83.

On page 38, Section 51, subsection *a*, line 22 of the printed bill, after the word "utility" insert the following: "of a class designated in this subsection".

Amendment adopted.

AMENDMENT No. 84.

On page 38, Section 51, subsection *a*, line 24 of the printed bill, strike out the article "a" and insert in lieu thereof the word "such".

Amendment adopted.

AMENDMENT No. 85.

On page 39, Section 51, subsection *a*, line 28 of the printed bill, after the word "value" insert a period and strike out the remainder of the subsection.

Amendment adopted.

AMENDMENT No. 86.

On page 39, Section 51, subsection *b*, line 5 of the printed bill, after the period following the word "commission" strike out the remainder of the line and down to and including the period following the word "commission" in line 13.

Amendment adopted.

AMENDMENT No. 86½.

On page 40, line 4 of the printed bill, strike out the words "when necessary," and insert in lieu thereof the following: "for the following purposes and no others, namely,".

Amendment adopted.

AMENDMENT No. 87.

On page 40, Section 52, subsection *b*, line 7 of the printed bill, after the comma following the word "obligations" strike out the word "and", and in line 8 of the same page strike out the words "for no other purpose" and insert the following: "or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the commission for the required authorization for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made,".

Amendment adopted.

AMENDMENT No. 88.

On page 40, line 38 of the printed bill, insert a period after the word "corporations", and strike out the remainder of the sentence.

Amendment adopted.

AMENDMENT No. 89.

On pages 41 and 42, Section 52 of the printed bill, strike out all of subsection *d* and insert in lieu thereof the following: "(*d*) All stock and every stock certificate, and every bond, note or other evidence of indebtedness of a public utility, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued with the authorization of the commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice."

Amendment adopted.

AMENDMENT No. 90.

On page 42, Section 52, subsection *e*, line 3 of the printed bill, after the comma following the word "indebtedness," insert the following: "in non-conformity with the order of the commission authorizing the same, or"

Amendment adopted.

AMENDMENT No. 91.

On page 42, Section 52, subsection *f*, line 2 of the printed bill, after the comma following the word "person," insert the following: "who knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any stock or stock certificate or bond, note or other evidence of indebtedness in non-conformity with the order of the commission authorizing the same, or contrary to the provisions of this Act, or of the Constitution of this State, or"

Amendment adopted.

AMENDMENT No. 92.

On page 43, Section 52, subsection *h*, line 5 of the printed bill, after the word "had", insert a comma and the following: "or other proceedings taken or had,".

Amendment adopted.

AMENDMENT No 93.

On page 43, Section 52, subsection *h*, line 2 of the printed bill, strike out the words "or delivered".

Amendment adopted

AMENDMENT No. 94.

On page 43, Section 52, subsection *h*, line 7 of the printed bill, strike out the words "and delivery".

Amendment adopted

AMENDMENT No. 95

On page 43, Section 52, subsection *h*, line 10 of the printed bill, strike out all of lines 10, 11 and 12, and insert in lieu thereof the following "prior to such issue The commission may by its order impose such condition or conditions as it may deem reasonable and necessary "

Amendment adopted.

AMENDMENT No 96.

On page 43 of the printed bill, immediately preceding Section 53, strike out the following "Article IV."

Amendment adopted.

AMENDMENT No. 97.

On page 44, Section 55, subsection *a*, line 8 of the printed bill, strike out all following the word "attendance" down to and including the comma following the word "hearing," in line 10, and insert in lieu thereof the following "the same fees and mileage allowed by law to a witness in civil cases,".

Amendment adopted.

AMENDMENT No 98

On page 45 Section 55, subsection *b*, line 1 of the printed bill, strike out the words "of the county or city and county" and insert in lieu thereof the following: "in and for the county, or city and county."

Amendment adopted.

AMENDMENT No. 99.

On page 45, Section 55, subsection *b*, line 4 of the printed bill, after the word witnesses" insert the following: ", the giving of testimony".

Amendment adopted.

AMENDMENT No. 100

On page 45, Section 55, subsection *b*, line 5 of the printed bill, after the comma following the word "papers" strike out the remainder of the line and the letters "mony," on line 6, and insert in lieu thereof the following: "including waybills, books, accounts and documents "

Amendment adopted.

AMENDMENT No. 101.

On page 45, Section 55, subsection *b* of the printed bill, strike out all of line 9 and insert in lieu thereof the following: "the county, or city and county, in which the proceeding is pend-".

Amendment adopted.

AMENDMENT No. 102

On page 45, Section 55, subsection *b*, line 19 of the printed bill, after the word "testify" insert the following "or produce said papers"

Amendment adopted.

AMENDMENT No 103

On page 45, Section 55, subsection *b* line 25 of the printed bill, strike out the words "responded to said subpœna" and insert in lieu thereof the following: "attended and testified or produced said papers before the commission".

Amendment adopted.

AMENDMENT No. 103A.

On page 46, Section 56 of the printed bill, after the period following the figures "56" insert the following, "(*a*)".

Amendment adopted.

AMENDMENT No. 103B.

On page 46, Section 56 of the printed bill, add a new paragraph as follows: "(*b*) Every order, authorization or certificate issued or approved by the commission under any provision of Sections 38, 39, 40, 41, 43, 50, 51 or 52 of this Act shall be in writing and entered on the records of the commission. Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a commissioner or by the secretary under the official seal of the commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect."

Amendment adopted.

AMENDMENT No. 104.

On page 47, Section 57, line 14 of the printed bill, after the word "thereof" insert the following: "up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of two hundred and fifty dollars".

Amendment adopted.

AMENDMENT No. 105.

On page 47, Section 57, line 17 of the printed bill, after the word "indebtedness", insert the following, "up to the amount of the issue guaranteed, taken over, refunded, discharged or retired".

Amendment adopted.

AMENDMENT No. 106

On page 47, Section 57, line 25 of the printed bill, after the second word "of", strike out the remainder of the line and all of line 26 and insert in lieu thereof the following, "a fund to be known as the 'Railroad Commission Fund' which fund is hereby created."

Amendment adopted.

AMENDMENT No 107.

On page 47, Section 58, line 10 of the printed bill, strike out the words "who shall make any such demand", and insert in lieu thereof the following, "demanding such inspection".

Amendment adopted.

AMENDMENT No 108.

On page 47, Section 58, line 12 of the printed bill, after the word "inspection", strike out the period and insert in lieu thereof the following: "; *and provided further*, that a written record of the testimony or statement so given under oath shall be made and filed with the commission."

Amendment adopted.

AMENDMENT No. 109.

On page 48, Section 59, line 6 of the printed bill, after the word "or", insert the following, ", at its option,".

Amendment adopted.

AMENDMENT No. 110.

On page 48, Section 59, line 6 of the printed bill, after the word "thereof", strike out the remainder of the line and all of line 7 down to and including the comma following the word "order".

Amendment adopted.

AMENDMENT No. 111.

On page 48, Section 60, line 3 of the printed bill, after the word "any", insert the following "civic,".

Amendment adopted.

AMENDMENT No. 112.

On page 48, Section 60, strike out all of lines 25 and 26 down to and including the word "complainant", and insert in lieu thereof the following: "The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant,".

Amendment adopted.

AMENDMENT No. 113

On page 48, Section 60, line 7 of the printed bill, after the word "utility", insert the following ", including any rule, regulation or charge heretofore established or fixed by or for any public utility,".

Amendment adopted.

AMENDMENT No 114

On page 48, Section 60, line 11 of the printed bill, strike out the words "schedule of".

Amendment adopted.

AMENDMENT No. 115

On page 48, Section 60, line 17 of the printed bill, after the word "purchasers", insert the following: "or prospective consumers or purchasers,".

Amendment adopted.

AMENDMENT No. 116.

On page 49, Section 60, line 33 of the printed bill, after the comma following the word "envelope", insert the following. "registered,".

Amendment adopted.

AMENDMENT No 117.

On page 49, Section 61, subsection *a*, line 1, after the word "for", strike out the remainder of the line and all of line 2 to and including the word "section", and insert in lieu thereof the following: "any hearing before the commission or a commissioner"

Amendment adopted.

AMENDMENT No. 118.

On page 49, Section 61, line 24 of the printed bill, strike out the letters "sioners", and insert in lieu thereof the letters "sioner".

Amendment adopted.

AMENDMENT No. 118½

On page 49, Section 61, subsection *a*, line 29 of the printed bill, after the word "exhibits" insert the following "or copies thereof".

Amendment adopted.

AMENDMENT No. 119.

On page 51, Section 63, subsection *b*, line 32 of the printed bill, insert a comma after the word "regulations".

Amendment adopted.

AMENDMENT No. 120.

On page 51, Section 65, strike out all of lines 2, 3 and 4, and in lieu thereof insert the following: "and decisions of the commission which have become final shall be conclusive"

Amendment adopted.

AMENDMENT No. 121

On page 52, Section 66, line 17 of the printed bill, after the period following the word "application" strike out the remainder of the line, also all of line 18 and line 19 down to and including the word "submitted" and insert in lieu thereof the follow-

ing "Any application for a rehearing made ten days or more before the effective date of the order as to which a rehearing is sought, shall be either granted or denied before such effective date, or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application It any application for a rehearing be granted without a suspension of the order involved the commission shall forthwith proceed to hear the matter with all dispatch and shall determine the same within twenty days after final submission, and if such determination is not made within said time, it may be taken by any party to the rehearing that the order involved is affirmed".

Amendment adopted.

AMENDMENT No 122

On page 53, Section 67 line 36 of the printed bill, strike out the word "annual" and insert the word "annul".

Amendment adopted.

AMENDMENT No 123

On page 54, Section 68, subsection *b*, line 4 of the printed bill, insert a comma after the word "suspended".

Amendment adopted.

AMENDMENT No 124.

On page 54, Section 68, subsection *c*, line 1 of the printed bill, strike out the word "staid" and insert the word "stayed"

Amendment adopted.

AMENDMENT No 125.

On page 55, Section 68, subsection *d*, line 27 of the printed bill, strike out all of the subsection following the period after the word "commission" and insert in lieu thereof the following "If any such moneys shall not have been claimed by the corporations or persons entitled thereto within one year from the final decision of the Supreme Court, the commission shall cause notice to such corporations or persons to be given by publication, once a week for two successive weeks, in a newspaper of general circulation, printed and published in the city and county of San Francisco, and such other newspaper or newspapers as may be designated by the commission, said notice to state the names of the corporations or persons entitled to such moneys and the amount due each corporation or person All moneys not claimed within three months after the publication of said notice shall be paid by the public utility, under the direction of the commission, into the state treasury for the benefit of the general fund."

Amendment adopted.

AMENDMENT No. 126.

On page 56, Section 70, line 6 of the printed bill, insert a comma after the word "had".

Amendment adopted.

AMENDMENT No. 127.

On page 56, Section 70, line 29 of the printed bill, after the word "hearing" insert the following, "before the commission or any court,".

Amendment adopted.

AMENDMENT No 128.

On page 57 Section 71, subsection *a*, line 2 of the printed bill, strike out the comma after the word "rental".

Amendment adopted.

AMENDMENT No. 129.

On page 59, Section 75 of the printed bill, strike out all of line 10, line 11 and line 12, to and including the word "business", and insert in lieu thereof the following "superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any has its principal place of business, or in which the person, if any, complained of, resides".

Amendment adopted.

AMENDMENT No 130.

On page 61, Section 80, line 3 of the printed bill, strike out all of the line after the word "court" and also lines 4 and 5 and the word "business" in line 6 on page 62, and insert in lieu thereof the following, "in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business or in which the person, if any, complained of, resides".

Amendment adopted.

AMENDMENT No. 131.

On page 62, immediately preceding Section 82, strike out the following: "Article V".

Amendment adopted.

AMENDMENT No. 132.

On page 63, Section 83, subsection b, line 2 of the printed bill, strike out the word "and" and insert in lieu thereof the word "or".

Amendment adopted.

AMENDMENT No 133.

On page 64, Section 85, line 4 of the printed bill, strike out the period and insert in lieu thereof the following ", except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress".

Amendment adopted.

AMENDMENT No. 134.

On page 64, Section 86, line 3 of the printed bill, after the word "Act" insert the following: ", and credited to the Railroad Commission Fund,".

Amendment adopted.

AMENDMENT No. 135.

On page 64, Section 86, line 6 of the printed bill, strike out the words "the general" and insert in lieu thereof the word "said".

Amendment adopted.

AMENDMENT No. 1 TO THE TITLE.

In line 2 of the title in the printed bill, after the word "the" insert the following, "rights, remedies,".

Amendment adopted.

AMENDMENT No. 2 TO THE TITLE.

In line 7 of the title in the printed bill, strike out the words "and making an appropriation" and insert in lieu thereof the words "creating the 'Railroad Commission Fund' and appropriating the moneys therein".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

RE-REFERENCE OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

On motion of Mr. Bohnett, Assembly Constitutional Amendment No. 8 was recalled from the Committee on Reapportionment and referred to Committee on Constitutional Amendments.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Saturday, December 2; Monday, December 4; Tuesday, December 5, Wednesday, December 6; Thursday, December 7, and Friday, December 8, 1911, were approved as corrected by the Minute Clerk.

THIRD READING OF BILLS.

Assembly Bill No. 20—An Act to amend Section 2185c of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 20 passed by the following vote

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Preisker, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, and Wyllie—52.

NOES—Mr. Jones—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1—Relative to petitioning Congress to appropriate one million (1,000,000) dollars for the improvement of Yosemite National Park.

Assembly Joint Resolution No. 1 adopted, and ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 8—Relative to adjournment *sine die*.

During the consideration of the concurrent resolution, Mr. Bishop moved that the Speaker appoint a select committee of one to amend as follows:

On page 1, line 5, strike out the figures "1" and "6" and insert in lieu thereof the following: "1" and "8".

Motion carried.

The Speaker appointed Mr. Bishop as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Concurrent Resolution No. 8, with instructions, do now report that the instructions of the Assembly have been carried out.

BISHOP, Select Committee.

Report of select committee and amendment adopted.

Assembly Concurrent Resolution ordered to reprint, reengrossment, and on file for consideration.

Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevards; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for

the formation of boulevard districts, and the construction, maintenance and use of boulevards, and defining the term boulevard, approved March 22d, 1905,' and the act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911; said amendments relating to the election, appointment and qualifications of the members of said boulevard commission.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend printed bill by striking out the word "sections" in line two of the title and inserting in lieu thereof the word "section".

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "and ten" in line two of the title, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Strike out all of lines 20 and 21 of the title and insert in lieu thereof the words "to elections".

Amendment adopted.

AMENDMENT No. 4.

Strike out all of section two of said bill.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

SECOND READING OF SENATE BILLS.

Senate Bill No 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 16½, of article eleven of the Constitution, relating to the deposits of money belonging to the State, or to any county or municipality within the State—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

SUTHERLAND, Chairman.

The above Assembly constitutional amendment ordered on file for consideration.

QUESTIONS OF PERSONAL PRIVILEGE.

Messrs. Chandler and Brown rose to questions of personal privilege, and made statements in regard to an article in the Sacramento *Union*, relative to reapportionment.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Mr. McDonald, the Assembly was declared adjourned until two o'clock P. M. of Monday, December 11, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, December 11, 1911

At two o'clock P. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75.

Quorum present.

LEAVES OF ABSENCE.

On motion, leave of absence for the day was granted Messrs. Walker, Callaghan, Cattell, Fitzgerald, and Crosby.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal its further reading was dispensed with, on motion of Mr. Walsh.

STATEMENT BY THE SPEAKER

Near the beginning of this session there was sent to the Speaker of the Assembly a memorial or petition which was verified and signed by A. H. Carpenter of San Joaquin County, in which he has charged the Justices of the District Court of Appeal of the Third Appellate District with misdemeanor of office, and has asked for an investigation or an impeachment of these judges for reasons stated in his petition. His petition is quite a voluminous document.

I will state that when the petition was received by me it was accompanied by a brief letter, I presume written by Mr. Carpenter, but it does not bear his signature nor that of any other individual. There is a signature attached in typewriting

only. For that reason I did not deem it of sufficient importance to bring the matter before this Assembly. My impressions were that in a matter of that kind, if he really desired an investigation by this body, he should have presented the matter in a formal way. This morning, however, I received another communication from him, in which he has requested an investigation of this petition, which was duly signed by him. Also, there has been presented, by the judges of the court in question, a petition to this body, asking that their conduct and judicial acts be investigated as requested by Mr. Carpenter.

I therefore present these matters to you for your consideration.

COMMUNICATIONS.

The following were filed by the Speaker:

STOCKTON, CAL., November 25, 1911.

HON. A. H. HEWITT, *Sacramento, Cal.*

DEAR SIR: It has become my painful duty to prefer charges of impeachment against N. P. Chipman, Albert G. Burnett, and Elijah C. Hart, as the judges of the District Court of Appeal of the State of California, Third District, and in pursuance of that duty I herewith hand you the said charges and request that you present the same to the Assembly for action, and file the same as by law provided.

Yours very truly,

A. H. CARPENTER.

Also:

STOCKTON, CAL., December 5, 1911.

HON. A. H. HEWITT, *Sacramento, Cal.*

DEAR SIR: On the 25th day of November, 1911, I sent you a complaint impeaching N. P. Chipman et al., as judges of the District Court of Appeal, and thus far I have received no acknowledgment of its receipt or any information that the same has been presented to the Legislature or filed, as required by law. If you do not intend to present such complaint to the Legislature, will you kindly inform me by return of mail, as I may desire to take other measures in the matter.

Very respectfully,

A. H. CARPENTER.

MEMORIAL.

To the Honorable Speaker, and the Honorable Members of the Assembly, of the State of California

In the matter of the impeachment of N. P. Chipman, Albert G. Burnett and Elijah C. Hart, as judges of the District Court of Appeal of the State of California, Third Appellate District.

A. H. Carpenter complains of the said N. P. Chipman, Albert G. Burnett, and Elijah C. Hart as the judges of the District Court of Appeal of the State of California, in and for the Third Appellate District, and for cause of complaint alleges as follows, namely:

That he is a citizen of the United States, and a resident of the State of California, and an attorney at law residing at Stockton, California.

That N. P. Chipman, Albert G. Burnett, and Elijah C. Hart are now and were during all the times herein named and referred to the duly elected, qualified and acting judges of the District Court of Appeal of the State of California in and for the Third Appellate District.

That while so the judges of said court, and while acting in that behalf and capacity, and at the times and in the manner hereinafter more specifically averred, they wilfully, corruptly, maliciously, fraudulently, and in violation of their oath and duties as such judges, rendered judgments, opinions and decisions in the following cases that were lawfully and rightfully before them for decision on appeal which were wrong, corrupt, unlawful, fraudulent, and not in accordance with the well settled precedents established by the highest courts of this and other states and which they then and there and at all times knew were wrong, corrupt, unlawful, fraudulent, and not in accordance with the well settled precedents established by the highest courts of this and other states, and they made and rendered such judgments and decisions for the purpose of unlawfully injuring complainant in his reputation for honesty and integrity, his property rights, and his professional and social standing, and of wrongfully, unlawfully, corruptly and fraudulently aiding and abetting certain dishonest and unscrupulous attorneys and others, who were their friends, associates in society, and political assistants, in their fraudulent and felonious attempts to ruin complainant and convict him of infamous crimes of which he was innocent, and of which said attorneys, judges and others knew he was innocent, and thereby deprive him of his good name and reputation and property rights, and in many other cases of corruptly and maliciously and wrongfully aiding the rich and influential and of ruining the poor and needy without the slightest regard for law or the precedents established by the highest courts in the land, namely

That in the case of *A. H. Carpenter*, plaintiff, vs. *W. F. Sibley et al.*, which was originally brought in the Superior Court of San Joaquin County, for malicious

prosecution, and in which judgment was rendered for defendants therein in said trial court, and plaintiff appealed from the judgment so rendered to the Supreme Court of the State of California, and which said case was transferred to the said appellate and district court for decision, the said judges herein complained of, as the Justices of said District Court of Appeal, wilfully, corruptly, unlawfully and maliciously, and in violation of their oath and duties as such judges, rendered an opinion, judgment and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the said defendant attorneys therein, A. H. Ashley and George F. McNoble, were justified by the facts in believing, and the evidence showed, that the plaintiff in said case had committed the crime of subornation of perjury; and in prosecuting him for that crime, because a thief and perjurer, whom said defendants had feloniously hired to testify, had said that the plaintiff therein, as his attorney, had "talked over" with him what his evidence would be in the case of the *People* vs. *Evans*, and in the absence of every material constituent of that crime—such as the incitement, persuasion, or procurement of false evidence, or that such evidence was false, or that the witness knew it was false, or that plaintiff knew it was false, or that plaintiff knew that the witness knew it was false, or that such alleged statement was material to any inquiry or matter under consideration; and when said crime or any of the elements thereof had not been committed, and when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such offense or any of the constituent elements thereof, and no proof, knowledge or information that the *corpus delicti* had been committed, and said Justices then and there on the 15th day of March, 1911, by making, entering and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

2. That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that because a thief and perjurer, whom said defendant attorneys in said case had feloniously hired to testify against plaintiff, a reputable citizen and an attorney at law as aforesaid, had testified that he had "talked over" his evidence with plaintiff who was his attorney, that the said defendants in said case were justified in causing the said plaintiff therein to be indicted by the grand jury for the crime of subornation of perjury, and in trying him for that offense before a trial jury in the Superior Court, and in intimidating and forcing said trial jury to bring in a verdict of guilty against its will, and in preventing the plaintiff therein from being admitted to bail pending his appeal from said verdict, so feloniously obtained, and the judgment entered thereon, and that plaintiff had no right of action or recourse whatsoever against said defendants for such felonious persecution and his imprisonment thereunder, and was not entitled to a decision on his said appeal to the effect that the evidence showed that he had committed no crime; but said judges wilfully, corruptly, maliciously and fraudulently held therein that all of said defendants' felonious and unlawful acts were just, proper, fair, lawful and not fraudulent, and that said defendants had a legal right to do all the aforesaid acts, and to believe from the facts and evidence in said case that plaintiff had committed the crime of subornation of perjury, when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such crime or any of the constituent elements thereof, and no proof, knowledge or information that the *corpus delicti* had been committed; and said Justices then and there on the said 15th day of March, 1911, by making, entering and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

3. That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the plaintiff therein was not entitled to judgment against the defendants in said case for damages sustained by reason of about nine months' imprisonment under and by virtue of a verdict which was obtained by said defendants in said case by feloniously intimidating and forcing the jury in its retirement to render a verdict of conviction against him, or for his loss of time, money and business occasioned by such unlawful imprisonment, and the shame and suffering

and indignity occasioned thereby, or any of the expenses incurred by plaintiff while so unlawfully and feloniously persecuted and imprisoned for the crime of subornation of perjury, when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such crime or any of the constituent elements thereof, and no proof, knowledge or information that the *corpus delicti* had been committed, and said Justices then and there on said 15th day of March, 1911 by making, entering and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

4 That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the said defendant attorneys were justified in changing the charge in the indictment for subornation of perjury from the one investigated by the grand jury to the effect that the plaintiff therein "talked over" with his client what his evidence would be in the case of the *People* vs. *Ennis*, to a totally different charge that was not investigated by said grand jury, and which was to the effect that he (plaintiff) suborned the thief and perjurer Stennett to testify that he did not see Ennis at his house at a specified time, and that said defendants were justified in privately purchasing, and in using after so purchasing, the false testimony of thieves and perjurers and other criminals in their unlawful attempts to convict plaintiff therein, who was a reputable citizen and an attorney at law, of the aforesaid crime of subornation of perjury, which had not been committed, and which they then and there and at all times knew had not been committed, and said Justices then and there on said 15th day of March, 1911, by making, entering and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

5 That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect the defendants in said case were justified in believing, and had reasonable cause to believe, that plaintiff had committed the crime of subornation of perjury and in prosecuting him therefor, because one of said defendant attorneys claimed that when a thief and perjurer, whom he had feloniously hired to testify against plaintiff, was on the stand as a witness he would wait for plaintiff to object, and seemed to gather from such objection something in line with his answer, and when said defendant attorney got between said thief and perjurer and the plaintiff he got more answers from him that were in accordance with his false statement that he made to the sheriff, and that was evidence that plaintiff committed the crime of subornation of perjury, and in consequence of the said perjurer's acts on the witness stand the said defendant attorneys were justified in believing, and had reasonable cause to believe, that plaintiff had committed the said crime of subornation of perjury, and in prosecuting him therefor, when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such crime or any of the constituent elements thereof, and no proof, knowledge or informarion that the *corpus delicti* had been committed; and said Justices then and there on said 15th day of March, 1911, by making, entering and filing such decision on appeal in said case, as aforesaid corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

6 That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful and which was in part and substance to the effect that it was proper, right and lawful for said defendants to offer in evidence, and for said trial court to receive in evidence before the jury in said case the false and perjured and *ex parte* statement of the thief and perjurer Stennett, made in the jail to the sheriff, which he admitted was false, and which the said defendants then and there and at all times knew to be false and perjured, for the purpose of proving that plaintiff had committed the crime of

subornation of perjury, and that by reason of such false statement of such thief and perjurer the defendants in said case had reason to believe that plaintiff had committed said crime, and were justified in prosecuting him therefor, and said Justices then and there on said 15th day of March 1911, by making, entering and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

7 That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that it was right, fair, proper and in accordance with law, and not fraudulent for said defendant attorneys and others to intimidate and force the trial jury in its retirement to bring in a verdict against its will to the effect that plaintiff was guilty of the infamous crime of subornation of perjury, when that was not their verdict and that the defendants in said case were, in consequence of their aforesaid malicious and felonious acts, justified in believing, and had reasonable cause to believe, that plaintiff had committed the crime of subornation of perjury, and in prosecuting him therefor, when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such crime or any of the constituent elements thereof, and no proof, knowledge or information that the *corpus delicti* had been committed; and said Justices then and there on said 15th day of March, 1911, by making, entering and filing such decision on appeal in said case, as aforesaid corruptly, maliciously, fraudulently and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

8 That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the trial court should have instructed the trial jury in said case that there was sufficient grounds and cause for the prosecution of plaintiff for the crime of subornation of perjury, when such crime or any of the elements thereof had not been committed, and when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such crime or any of the constituent elements thereof, and no proof, knowledge or information that the *corpus delicti* had been committed, and when no evidence had been adduced at the trial of said case that tended to show that defendants had any grounds whatsoever for believing that such crime had been committed, or that plaintiff had committed it; and said Justices then and there on said 15th day of March, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred

9 That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the record in said case does not show clearly the evidence that was presented to the grand jury against plaintiff, but that it does appear that there was a sufficient showing before that body to constitute the basis for probable cause for the prosecution of plaintiff for the crime of subornation of perjury when there was absolutely no evidence whatsoever before the grand jury that plaintiff had committed that crime or any of the constituent elements thereof, or that defendants had any knowledge or information that would justify them in believing that such crime had been committed or that plaintiff had committed it and said Justices then and there on said 15th day of March, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred

10 That in the same case and as a part of the same decision, and on the said 15th day of March 1911, the said judges, as the Justices of the said District Court

of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the court was bound to assume that the indictment and trial of plaintiff on the charge of subornation of perjury were warranted by the facts, i. e. that plaintiff was guilty of that crime, and that defendants had the right to believe he was guilty, irrespective of the evidence adduced before the grand jury or before the trial court, when the evidence showed that there were absolutely no facts, circumstances or evidence upon which such assumption could be based, and said Justices then and there on said 15th day of March, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

11. That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and the decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt fraudulent and unlawful and which was in part and substance to the effect that the facts upon which said prosecution of plaintiff for subornation of perjury was based were undisputed, and that in such case it was proper, right and lawful to submit the question of probable cause for such prosecution to the jury; and said Justices then and there on said 15th day of March, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

12. That in the same case and as a part of the same decision and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong corrupt fraudulent and unlawful, and which was in part and substance to the effect that the evidence in said case showed that there was no fraud, malice or improper conduct on the part of the defendants in prosecuting plaintiff for the crime of subornation of perjury, but that all their acts in purchasing the evidence of hog thieves and perjurers, in changing the charge investigated by the grand jury to an altogether different charge that was not investigated and inserting the same in the indictment, in concealing from the grand jury the fact that the only witness against plaintiff was a thief and perjurer and his evidence had been purchased by unlawful promises of immunity from crimes, in advising the said grand jury that it was subornation of perjury for plaintiff as an attorney at law to "talk over" with his client Stennett what his evidence would be in the case of the *People* vs. *Ennis*, in causing plaintiff to be arrested and tried under such fictitious indictment which had been feloniously changed as aforesaid, in intimidating and forcing the trial jury in its retirement to bring in a verdict of conviction against its will, in causing plaintiff to be sentenced to the penitentiary under such false and fictitious indictment and verdict and the judgment rendered thereon, in preventing plaintiff from being admitted to bail pending his appeal from the aforesaid fictitious verdict and the judgment rendered thereon, in claiming that plaintiff committed subornation of perjury by his objections and gestures, in trying to get plaintiff indicted for five crimes of felony upon the most absurd grounds in falsely, maliciously and contrary to the rules of evidence accusing plaintiff before the trial jury and elsewhere of having committed several crimes of felony, were all fair, proper and lawful, and said Justices then and there on said 15th day of March, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

13. That in the same case and as a part of the same decision, and on the said 15th day of March, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that it was right, proper and lawful for the trial court to refuse to allow the grand jurors to testify as to

whether they consented to the change that the defendants made in the charge investigated to the one set forth in the indictment;

That it was right, proper and lawful for the defendant sheriff to summon the jury to try his own case;

That it was right, proper and lawful for the trial court to strike out the witness Royce's answer to the question: "Was that your verdict?" and then sustain the objection to the question after the answer was so stricken out;

That it was right, proper and lawful for the trial court to sustain defendant's objection to the following question asked of the witness Royce: "Did the foreman of that jury agree to it voluntarily?"

That it was right, proper and lawful for the trial court to sustain the defendant's objection to the following question asked of the witness Royce: "Did you and the foreman enter into any agreement in reference to that verdict in regard to getting out, and, if so, state what it was?"

That it was right, proper and lawful for the trial court to allow the defendant Ashley to answer leading questions on cross-examination in relation to matters not referred to in the direct examination.

That it was right, proper and lawful for the trial court to force the witness Dodge to relate on cross-examination all his private matters and conversations with Mrs. Stennett that had nothing to do with the case and that were not cross-examination

That it was right, proper and lawful for the trial court to allow the defendant Ashley to harangue the jury and relate to them all his false, scandalous and malicious statements in answer to the question, "Because he can not deny it?" as found in the transcript at folios 1649-1657.

That it was right, proper and lawful for the trial court to refuse to give to the jury instructions numbers 2 to 31, and to give instructions numbers 28, 29 and 30, found at folios 1876 to 1907, and numbers 33 and 34.

And said Justices then and there on said 15th day of March, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

14. That certain of the defendants in the above named case announced some time during the month of June, 1910, when said action was pending in the Supreme Court of the State of California, that the same would not be heard by the court last named, but would be transferred to the said District Court of Appeal for decision, and thereafter on the 25th day of October, 1910, the said case was actually transferred to said District Court as previously stated by defendant, and that on or about the —— day of November, 1910, the said defendant further announced to complainant and others that inasmuch as W. F. Sibley and George F. McNoble, who were friends of said judges, had been made parties defendant therein, the said judgment therein would be affirmed, and plaintiff deprived of all his rights thereunder, and that as soon as the remittitur came down he should levy upon certain of complainant's real property; and that thereafter, as previously stated, the case was decided and the judgment affirmed by the said District Court of Appeal in accordance with said previous announcement, and complainant believes, and therefore alleges upon such belief and all said previous announcements, that it was well understood between certain of said defendants and the said judges of said court, long prior to said decision, that the disposition of said case should be made, as stated by said defendant, irrespective of the merits thereof, and the same was decided irrespective of the merits of the errors pointed out in the record, many of which were wilfully, corruptly and fraudulently ignored and passed without notice.

II.

That in the case of *A. H. Carpenter*, plaintiff, vs. *A. H. Ashley, George F. McNoble et al.*, defendants, which was originally brought in the Superior Court of San Joaquin County for malicious prosecution, and in which judgment was rendered for defendants therein in said trial court, and plaintiff appealed from the judgment so rendered to the Supreme Court of the State of California, and which said case was transferred to the said District Court of Appeal for decision, and of which said last named court had then and there jurisdiction, the said judges herein complained of, as the Justices of said District Court of Appeal, wilfully, corruptly, unlawfully and maliciously, and in violation of their oath and duties as such judges, rendered an opinion, judgment and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the defendants in said case were justified in believing, and had a legal right to believe, that the plaintiff therein had committed the crime of perjury, and in prosecuting him therefor, because he had testified on cross-examination in the case of *McGorray* vs. *Robinson*, then on trial in the Superior Court of said San Joaquin County; that it was his impression that he sent a certain deed to Rochester, N. Y., when such deed had been duly executed, delivered and recorded,

and the title to the realty therein had passed thereunder or under a previous deed of the same property between the same parties, and it was entirely immaterial what became of it afterward, and when neither the execution or delivery of said deed was in issue at said trial, and when said deed was admitted by the pleadings in said case on trial to have been duly executed, delivered and recorded and the title to the realty therein to have passed thereunder, and when said testimony was wholly immaterial and without the issues, and when it further appeared from the record in said case on trial that the deed referred to was the second deed that had passed between the same parties for the same property, and had been given for the sole purpose of completing the title of record (the first deed having been lost before it was recorded), and that plaintiff was merely mistaken as to the identity of the deed sent (the first deed having been found and sent to Rochester instead of the second one), all of which said facts were well known to said defendants long before they instituted said criminal prosecution against plaintiff for perjury, and all appeared in the record before said appellate court in said case, when such crime or any of the elements thereof had not been committed, and when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such crime or any of the constituent elements thereof, and no proof, knowledge or information that the *corpus delicti* had been committed; and said Justices then and there on the 23d day of February, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in this and other states, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

2. That in the same case and as a part of the same decision, and on the said 23d day of February, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that defendants in said case were justified in believing, and had a legal right to believe, that plaintiff had committed the crime of perjury, and in prosecuting him therefor, because he had testified at the trial of the case of *McGorray* vs. *Robinson* that it was his impression that he sent a certain deed to Rochester, when none of the constituent elements of that crime existed—such as that the testimony was false, that the witness knew it was false; that it was contrary to the oath administered in said case; that it was intentionally false and detrimental to some one, or that it was material to the issues then under consideration in said case, when such crime or any of the elements thereof had not been committed, and when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such offense or any of the constituent elements thereof, and no proof, knowledge or information that the *corpus delicti* had been committed; and said Justices then and there on said 23d day of February, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

3. That in the same case and as a part of the same decision, and on the said 23d day of February, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that defendants in said case were justified in believing, and had a legal right to believe, that plaintiff had committed the crime of perjury, and in prosecuting him therefor, because plaintiff testified in the case of *McGorray* vs *Robinson* that it was his impression that he sent a certain deed to Rochester, when said deed had been duly executed, delivered and recorded, and when it was immaterial what became of it, the title to the land therein described having passed to the grantee; and when the pleadings in said case of *McGorray* vs. *Robinson* admitted that said deed had been duly executed delivered and recorded, and for that reason also it was immaterial what became of it, and when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such offense or any of the constituent elements thereof, and no proof knowledge or information that the *corpus delicti* had been committed; and said Justices then and there on said 23d day of February, 1911, by making and filing such decision on appeal in said case, as aforesaid corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

4. That in the same case and as a part of the same decision, and on the said

23d day of February, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that when plaintiff testified in the said case of *McGorray* vs. *Robinson* that it was his impression that he sent said deed to Rochester, and when such testimony was wholly immaterial to the issues raised in said case for the reasons herein stated, he committed the crime of perjury, and the records tend to show that he committed that crime, and defendants therefore had a legal right to believe from such testimony and facts that plaintiff had committed such crime of perjury, and that they were justified in prosecuting him therefor, when such crime or any of the elements thereof had not been committed, and when said defendants had no evidence or information whatsoever that tended to show that plaintiff had committed such offense or any of the constituent elements thereof, and no proof, knowledge or information that the *corpus delicti* had been committed; and said Justices then and there on said 23d day of February, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

5. That in the same case and as a part of the same decision, and on the said 23d day of February, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the evidence given by plaintiff in said case of *McGorray* vs. *Robinson* to the effect that it was his impression that he sent a certain deed to Rochester, which had been duly executed, delivered and recorded, and which said execution, delivery and recordation were admitted by the pleadings in said case of *McGorray* vs. *Robinson*, was material to the issues in said last named case, when such evidence was entirely immaterial and without the issues in said case; and the said Justices then and there on said 23d day of February, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts in the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

6. That in the same case and as a part of the same decision, and on the said 23d day of February, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that it was right, proper and lawful for the defendants in said case to change the charge that was investigated by the grand jury and an indictment ordered, to the one that said defendants corruptly and maliciously set forth in the indictment under which plaintiff was tried for perjury and which was not investigated by the grand jury—such change having been made without the knowledge or consent of said grand jury, when such act in making such change was not only unlawful, but fraudulent and felonious; and said Justices then and there on said 23d day of February, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts of the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

7. That in the same case and as a part of the same decision, and on the said 23d day of February, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the defendants in said case had probable cause for believing that plaintiff's said testimony in the case of *McGorray* vs. *Robinson* to the effect that it was his impression that he sent a certain deed to Rochester, which said deed had been duly executed, delivered and recorded, was material to the issues involved in said case last named, and that the same was false, and that there were (unspecified) inconsistencies in plaintiff's said testimony, given at said trial, which justified said defendants in believing that plaintiff's evidence was wilfully false and perjurious and then said judges corruptly, maliciously and unlawfully held—not upon any statement, fact or testimony found in the record, that

defendants believed that plaintiff's said evidence was wilfully false, and that he thereby committed perjury (which said findings of said judges were wilfully false, malicious and fraudulent), and therefore it was said defendants' duty to prosecute plaintiff for that crime; and said Justices then and there on said 23d day of February, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts of the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

8 That in the same case and as a part of the same decision, and on the said 23d day of February, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that it was right, proper and lawful for the defendants in said case to change the charge investigated by the grand jury and for which an indictment had been ordered against plaintiff to an altogether different charge that had not been investigated by said grand jury and for which alleged offense no indictment had been ordered, and then inserting the same in the indictment against plaintiff without said grand jury's knowledge or consent.

That there was an issue in said case of *McGorray* vs. *Robinson* as to the delivery of said deed which plaintiff thought he sent to Rochester, and that plaintiff's evidence related to the delivery of said deed and not to its disposition after it became *functus officio*

That it was not necessary for the defendants to show that they believed the charge of perjury against plaintiff was true to justify them in prosecuting him for that crime

That it was right, proper and lawful for the trial court to admit in evidence the transcript of the testimony of F Eshback given at the trial of the case of *McGorray* vs. *Robinson*.

That the defendants acted in good faith, when the record shows that every act in the prosecution of plaintiff for the crime of perjury was wilfully corrupt, malicious, fraudulent, and some of their acts were felonious, and said Justices then and there on said 23d day of February, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts of the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

III.

That in the case of *A H Carpenter*, plaintiff, vs *A. H. Ashley*, defendant, which was originally brought in the Superior Court of San Joaquin County, for slander, and in which judgment was rendered for the defendant therein in said trial court, and in which plaintiff appealed from the judgment so rendered to the Supreme Court of the State of California, and which said case was transferred to the said District Court of Appeal for decision, and of which said last named court had then and there jurisdiction, the said judges herein complained of, as the Justices of said District Court of Appeal, wilfully, corruptly, unlawfully and maliciously, and in violation of their oath and duties as such judges, rendered an opinion, judgment and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that said defendant did not admit that he spoke and published of and concerning the plaintiff the libelous words complained of in said action, when the record shows that he did make such admissions; and that, in the face of such admissions, there was evidence to support the verdict and the judgment rendered thereon, when the record shows that there was absolutely no evidence to support either said verdict or judgment in said action, and when defendant made no atempt to prove the truth of his slanderous words, and the records showed and the law presumed the words were maliciously spoken and published, and said Justices then and there on the 24th day of May, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts of the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred.

2 That in the same case and as a part of the same decision, and on the said 24th day of May, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt fraudulent and unlawful, and which was in part and substance to the effect that it was right, proper and lawful for the defendant in said action to claim at the second trial thereof that

the said slanderous words set forth in said complaint were privileged, and for the trial court to instruct the jury at said trial in said case that the defendant still claims that such words were privileged, and then to give other instructions to the effect that such slanderous words uttered by a district attorney (and defendant was district attorney at the time the said slanderous words were published by him) in the discharge of his duty were privileged and not slanderous, and could not be made the basis of a civil action, when the Supreme Court had held on a previous trial of said case, that such slanderous words were not privileged; and said Justices then and there on said 24th day of May, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts of the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred

3. That in the same case and as a part of the same decision, and on the said 24th day of May, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that it was right, proper and lawful for the defendant to recover from plaintiff the sum of one hundred dollars for counsel fees in such action, in his claim for costs and disbursements filed in said case subsequent to the entry of the judgment therein, when the Supreme Court of the State of California has frequently decided that such attorney's fees can not be recovered in such cost bill, and especially when not claimed in the answer or awarded in the judgment; and said Justices then and there on said 24th day of May, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts of the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred

4. That in the same case and as a part of the same decision, and on the said 24th day of May, 1911, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that it was right, proper and lawful for the defendant in said action to claim that said slanderous words were privileged, and for the trial court to give to the jury instructions numbers 31, 32 and 33, which were to the effect that such slanderous words were privileged, which said instructions were a positive and direct violation of the law of the case as laid down by the Supreme Court in the case of *Carpenter* vs. *Ashley*, 148 Cal. 422

That it was right, proper and lawful for the trial court to admit in evidence on cross-examination of the witness Carpenter, and against the objection of plaintiff, a fictitious indictment that had long prior thereto been dismissed and set aside.

That it was right, proper and lawful for the trial court to admit in evidence the transcript of the testimony of Anna Stennett, given at the trial of Ennis, when said witness was not dead or out of the jurisdiction of the trial court.

That it was right, proper and lawful for the trial court to force the witness Haynes to answer many questions on cross-examination that in no way referred to the matters brought out on the direct examination

That it was right, proper and lawful for the trial court to refuse to allow the witnesses Royce and Hanks to testify as to what they had heard the defendant say of and concerning the plaintiff, when such evidence was admissible as a declaration or admission of the defendant and to show malice.

That it was right, proper and lawful for the trial court to admit in evidence the colloquy that took place at the time the slanderous words were spoken when offered by the defendant, and to exclude the same evidence when offered by the plaintiff.

That it was right, proper and lawful for the trial court to refuse to allow the defendant to answer the question as to whether he had told the witness Hanks that he would send plaintiff to the penitentiary, and the said Justices then and there on said 24th day of May, 1911, by making and filing such decision on appeal in said case, as aforesaid, corruptly, maliciously, fraudulently, and contrary to law and the precedents established by the highest courts of the land, affirmed the judgment of the trial court for the corrupt and unlawful purposes hereinbefore specifically averred

IV.

That in the case of *R. W. Van Valkinbergh*, plaintiff, vs. *D. A. Oldham, Cynthia A. Blackburn et al.*, defendants, which was originally brought in the Superior Court of said San Joaquin County to foreclose a mortgage on the home of the defendant Blackburn, who was a poor widow and in needy circumstances, and in which case judgment was rendered for the plaintiff and against said defendant Blackburn foreclosing said mortgage and ordering a sale of her said home, and in which said case

the said defendant widow appealed to the Supreme Court of the State of California, from the judgment so entered, and which said appeal was transferred to said District Court of Appeal for decision, and of which said case the said last named court then and there had jurisdiction, the said judges herein complained of, as the Justices of the said District Court of Appeal, Third District, wilfully, corruptly, unlawfully, maliciously, and in violation of their oath and duties as such judges, rendered an opinion, judgment and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that when the plaintiff as the representative of a rich corporation got this poor widow in the back office with his two attorneys and there forced her by his own threats and the threats of his said attorneys to give him a mortgage on her home for a debt not her own, when she was in a weak, nervous, worried, scared, hysterical condition and wept so that she could hardly see, and did not know what she was doing, and her knees almost gave way and she could hardly walk, and then and there threatened her with long litigation and the loss of her only home if she did not sign the document prepared for her, and falsely told her that the signing of the instrument was a mere form, and that another party would pay the debt and hold her harmless therefrom, and then and there deceived her as to the nature of the document she was to sign, and threatened and deceived her in many other ways and particulars not herein specified, and refused to allow her to see anybody or get independent advice as to what she should do in the matter—that all the foregoing (and many other) acts of fraud, menace, deceit, force and undue influence on the part of said representative of said corporation whereby said poor widow was robbed of her only home, were perfectly right, proper, lawful, equitable, not opposed to good morals, legitimate business methods or any mandate of the statute; and the said judges then and there on the 8th day of February, 1910, made and filed such decision on appeal in said case, and thereby unlawfully affirmed the judgment of the trial court therein, irrespective of the law or the merits of the case, for the corrupt, malicious and dishonest purpose of aiding the said rich and influential corporation and of oppressing the poor and needy widow, and incidentally to defeat and injure the complainant herein as the attorney for said appellant.

2. That in the same case and as a part of the same decision, and on the 8th day of February, 1910, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the aforesaid mortgage that was obtained through fraud, force, menace, deceit and undue influence, and which the said appellant was not conscious of ever making, was delivered to the said plaintiff, when the only evidence in relation thereto was given by the said defendant Blackburn to the effect that she never did deliver such instrument to plaintiff or to any one else, and further decided that under such circumstances the alleged mortgage was a good and valid instrument and binding upon the party who did not deliver it and never consented to its delivery; and the said judges then and there on said 8th day of February, 1910, made and filed such decision on appeal in said case, and thereby unlawfully affirmed the judgment of the trial court therein, irrespective of the law or the merits of the case, for the corrupt, malicious and dishonest purpose of aiding the said rich and influential corporation and of oppressing the said poor and needy widow, and incidentally to defeat and injure the complainant herein as the attorney for the said appellant.

3. That in the same case and as a part of the same decision, and on the 8th day of February, 1910, the said judges, as the Justices of the said District Court of Appeal, wilfully, corruptly, maliciously, and contrary to law and the precedents established by the highest courts of this and other states, and in violation of their oath and duties as such judges, rendered a judgment, opinion and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that the presumption of the delivery of the said mortgage, obtained as hereinbefore specified, prevailed against positive evidence to the contrary

That there was no deceit, fraud or undue influence in any of the said acts of plaintiff or his attorneys in securing said alleged mortgage, and that the defendant Blackburn executed the same voluntarily, when the entire record shows that such decision was false and not justified by the evidence in said case

That a fraudulent guaranty, alleged to have been obtained by said corporation from said widow, of Price & Oldham's bills covered the bills of Price & Perkins, and the said judges then and there on said 8th day of February, 1910, made and filed such decision on appeal in said case, and thereby unlawfully affirmed the judgment of the trial court therein, irrespective of the law or the merits of the case, for the corrupt, malicious and dishonest purpose of aiding the said rich and influential corporation and of oppressing the said poor and needy widow, and incidentally to defeat and injure the complainant herein as the attorney for the said appellant.

V.

That in the case of *John Loeffler*, plaintiff vs. *W. H. Wright et al.*, defendants, which was brought in the Superior Court of the county of Contra Costa, State of California, and wherein the plaintiff had filed his second amended complaint under the permission of the court, the demurrer thereto was sustained by said trial court without leave to amend, and the plaintiff thereupon appealed to the Supreme Court of the State of California from the judgment entered upon the sustaining of such demurrer, and the case so appealed was transferred to the said District Court of Appeal for decision, and by reason of such transfer the said last named court had jurisdiction to determine and decide such action on said appeal. That said action was equitable in its nature, and the complaint alleged in substance, among other things, that in consideration of the payment by plaintiff of the sum of twenty-nine hundred dollars, acknowledged to have been received by certain defendant owners, the said owners agreed in writing with plaintiff to give him a lease of one hundred acres of land in the Jersey Island Tract, and also to give him the option and privilege of buying the same within a term of years specified in said lease, and that said defendants after receiving said consideration as aforesaid delayed and postponed the execution and delivery to plaintiff of said option and lease for the purpose of defrauding him out of said money, lease and option to buy until they had conveyed said land and premises, so to be leased and sold to plaintiff, to one of the defendants in said action, without plaintiff's knowledge or consent, under a fraudulent and void trust deed for $100,000, and then, after said lease and option had been executed and delivered to plaintiff they refused to give him the possession of more than forty acres of the land so leased, and shortly thereafter fraudulently deprived plaintiff of the possession of the said forty acres, which he occupied under said lease, and all his personal property and machinery located and used thereon in his business as a manufacturer; and that said defendants were impecunious and they had given notice that said trust deed, so fraudulently given upon said land so leased to plaintiff, was to be foreclosed and the property sold, and that such foreclosure, sale and disposition were to be made, as plaintiff alleged for the purpose of defrauding him out of his said money, lease, option, damages to his machinery and personal property and a judgment which was set forth in said complaint, and thereby rendering themselves execution proof, and plaintiff prayed therein for an injunction enjoining the sale of said realty under said trust deed, and that said lease and option to purchase be declared valid, and that he have judgment against defendants for the damages sustained by reason of the acts in said complaint set forth; and the said judges corruptly and dishonestly held in their disposition of the case that such stupendous frauds as were set forth in said complaint, whereby certain defendants were robbing and attempting to rob plaintiff out of many thousand dollars, were legitimate and lawful, and that plaintiff had no recourse in a court of equity against defendants for committing such fraudulent acts, and that it was right, proper and lawful for the trial court, sitting as a court of equity, to sustain defendants' said demurrer without giving plaintiff leave to amend, and thereby corruptly deprive plaintiff of his property rights; and the said judges then and there on the 14th day of April, 1910, made and filed such decision on appeal in said case, and thereby unlawfully affirmed the judgment of the trial court, irrespective of the law or the merits of the case, for the corrupt and dishonest purpose of aiding the influential and unscrupulous schemers and oppressing the poor, and incidentally to defeat and injure the complainant herein as the attorney for the said appellant.

VI.

That in the case of *Edward J. Matteson et al.*, plaintiffs, vs. *Southern Pacific Company*, defendant, which was originally brought in the Superior Court of the said San Joaquin County, to recover damages sustained by them by reason of the death of their mother, Mrs. Catherine Matteson, which was caused by the defendant's negligence in backing one of its trains upon her, in the night time, as it was backing across one of the streets of the city of Stockton, upon which Mrs. Matteson was then walking, without said defendant taking any of the precautions required by law, judgment was rendered for defendant in said trial court, and plaintiffs appealed therefrom to the Supreme Court of the State of California, and which said appeal was transferred to the said District Court of Appeal, Third District, for decision, and of which said case the said court last named then and there had jurisdiction, the said judges herein complained of, as the Justices of the said District Court of Appeal, wilfully, corruptly, unlawfully, maliciously, and in violation of their oath and duties as such judges, rendered an opinion, judgment and decision in said case on appeal which was wrong, corrupt, fraudulent and unlawful, and which they then and there and at all times knew to be wrong, corrupt, fraudulent and unlawful, and which was in part and substance to the effect that it was not negligence for said defendant to back its trains over and across a public street of the populous city of Stockton, in the night time, without having a man "stationed where he could see the rails in the direction in which the train was to move, upon whose signal, that the line was clear, the engineer should have acted," and especially when said train had just moved forward over the same street as though going to the next station, and the said Justices then and there further corruptly and unlawfully decided that it was right

and proper and lawful for the defendant to kill Mrs. Matteson in that way, and for the trial court to instruct the jury "that no damages can be given to * * * plaintiffs for the loss of society of the deceased * * * or for the loss of her comfort or protection" under such circumstances; and the said judges then and there wilfully and deliberately ignored the fact that Mrs. Matteson was killed by defendant's train as it backed over a street of said city in the night time, and the law relating thereto, and in their opinion therein they attempted to apply the law upon the false theory that she was killed by a visible train moving forward in the day time; and the said judges then and there on the 28th day of August, 1907, made and filed such decision on appeal in said case, and thereby unlawfully affirmed the judgment of the trial court therein, irrespective of the law or the merits of the case, for the corrupt, malicious and dishonest purpose of aiding the said rich and influential railway company and of oppressing the poor, and incidentally to defeat and injure the complainant herein as the attorney for said appellants.

VII

That the truth of all the aforesaid allegations, with one exception, can be easily ascertained by an examination of the files and records of the cases herein referred to in the office of the Clerk of the said District Court of Appeal of the State of California in and for the Third District; and as the decisions in said cases have now become final, and as some of them reflect upon the honor, integrity and reputation of the complainant herein and have unlawfully deprived him of his property rights and rights to personal liberty, and as there is no remedy for such wrongs, except an appeal of this character. He therefore prays that this Honorable Assembly will pass a resolution impeaching the said N. P. Chipman, Albert G. Burnett, and Elijah C. Hart, as judges of the said District Court of Appeal, for their corrupt judicial acts and misdemeanors in office, a portion of which are herein set forth, and that such other and further action may be taken herein as to this Honorable Assembly may seem just and equitable.

A. H. CARPENTER, Complainant.

STATE OF CALIFORNIA, }
COUNTY OF SAN JOAQUIN. } ss.

A. H. Carpenter, being duly sworn, says that he is the person making the foregoing complaint, and that he has read the same, and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated on his information or belief, and as to those matters that he believes it to be true.

A. H. CARPENTER.

Subscribed and sworn to before me this 17th day of November, 1911.

[SEAL.] GEORGE P. HENERY,
Notary Public in and for San Joaquin County, State of California.

Also:

SACRAMENTO, CAL., December 11, 1911.

HON. A. H. HEWITT, *Speaker of the Assembly, Sacramento, Cal.*

DEAR SIR: We have been informed that one A. H. Carpenter, an attorney at law, of Stockton, California, has submitted to you in your official capacity as Speaker of the Assembly, a sworn statement in which he charges that the judges of the District Court of Appeal for the Third District have "wilfully, corruptly, maliciously and fraudulently rendered judgments in the following cases that were lawfully before them for decision on appeal" and which judgments the said judges "knew were wrong, corrupt, unlawful and fraudulent." In support of his statement, and not otherwise, he refers to the papers and records in the several cases and prays that his charges be investigated by the Legislature.

If these charges are not true Carpenter is guilty of criminal libel and is also guilty of wilful perjury, and should be in the state prison instead of practicing law. If the charges are true, the judges accused should be broken of their office as quickly as legal machinery can be made to do so.

The cases referred to are as follows:

Matteson vs. *S. P. R. R. Co.*, decided August 28, 1907; reported in 6 Cal. App. Rep., 318.

Van Valkinberg vs. *Oldham*, decided February 8, 1910, reported in 12 Cal. App. Rep., 572.

Leofler vs. *Wright*, decided April 14, 1910, reported in 13 Cal. App. Rep. 224.

Carpenter vs. *Ashley*, decided February 23, 1911; reported in 15 Cal. App. Rep., 461.

Carpenter vs. *Sibley* decided March 15, 1911; reported in 15 Cal. App. Rep., 589.

Carpenter vs. *Ashley*, decided May 24, 1911, reported in 12 Cal. App. Rep., 743.

In every one of these cases the accused appellate judges affirmed the judgment of the lower court, where the causes were tried, and in every one of the cases a petition for rehearing in the Supreme Court was denied. The records, therefore, show that the judgments had the sanction of the trial judge, of the three accused appellate judges, and of seven of the judges of the Supreme Court.

The cases came up on printed records and were disposed of, as in other cases, on what the records contained, and it is on the records alone, so far as is known, that the Legislature is asked to make an investigation—that is, to constitute itself a court of review to determine whether the trial court, the appellate court and the Supreme Court—eleven judges in all—have, on the face of the records, shown themselves to be guilty of corruption in office

We respectfully request that Carpenter be cited to appear before an appropriate committee of your body and to bring forward the evidence, if any he may have, in support of his very grave, and, what we denounce as wholly unwarranted, charges

Very truly yours.

N. P. CHIPMAN.
ALBERT G. BURNETT.
E. C. HART.

MOTION.

Mr. Sutherland moved that the whole matter be referred to the Committee on Judiciary.

Motion carried, and reference made.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER SACRAMENTO, December 11, 1911

MR. SPEAKER Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 55—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands—have had the same under consideration, and respectfully report the same back and recommend that it do pass

FLINT, Chairman

The above reported bill ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911.

MR SPEAKER Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No 2—Relative to the Simmons National Quarantine Act, now before Congress—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended

FREEMAN, Chairman.

The above reported joint resolution ordered on file for consideration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911.

MR SPEAKER Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No 3—Relative to a bill before Congress, known as the "Sulloway Bill," for the relief of the veterans of the Civil War—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

The above reported joint resolution ordered on file for consideration.

ON IRRIGATION AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911

MR. SPEAKER. Your Committee on Irrigation and Drainage, to whom was referred Senate Bill No. 14—An Act excluding certain lands from Reclamation District No 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

Also Assembly Bill No. 59—An Act to amend Section 10 of an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12 1885, said amendment relating to distribution of appropriated waters.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

LYON of Los Angeles, Chairman

The above reported bills ordered on file for second reading.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code, relating to public highways—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

JOEL, Chairman

The above reported bill ordered on file for second reading.

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911

MR. SPEAKER: Your Committee on Conservation, to whom was referred Assembly Bill No. 56—An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CLARK, Chairman.

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 11, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts.

Also Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Also Assembly Bill No. 8—An Act to amend Section 4021*a* of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof.

Also Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to boards of election and manner of voting.

Also Assembly Concurrent Resolution No. 7—Relative to adjournment *sine die*.

Also Assembly Bill No. 38—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Also Assembly Concurrent Resolution No. 4—Relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition.

Also Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "Railroad Commission Fund" and appropriating the moneys therein to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Also Assembly Concurrent Resolution No. 9—Relative to adjournment *sine die*.

Also Assembly Bill No. 12—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Also Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

And report that the same have been correctly engrossed.

RANDALL, Chairman

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 11, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 1—A resolution requesting the Congress of the United States to cede Yosemite Valley, and the watershed surrounding the same, to the State of California.

Also: Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

Also: Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Also: Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 24.

Also: Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 8—Relative to extending an invitation to the Congress of the United States relative to the inspection of the rivers and harbors of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 30—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Also: Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 9, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation'," approved April 26, 1911.

Also Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 9, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly Bill No. 3 ordered to enrollment.

Senate Joint Resolution No. 1 read, and referred to Committee on Federal Relations.

Senate Bill No. 3 read first time, and referred to Committee on Election Laws.

Senate Bill No. 16 read first time, and referred to Committee on Election Laws.

Senate Bill No. 31 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 33 read first time, and referred to Committee on Election Laws.

Senate Joint Resolution No. 8 read, and referred to Committee on Federal Relations.

Senate Bill No. 30 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees, and River Improvements.

Senate Bill No. 1 read first time, and referred to Committee on Building and Loan Associations.

Senate Bill No. 24 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 36 read first time, and referred to Committee on Engrossment and Enrollment.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Chandler: Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Bliss: Assembly Bill No 68—An Act to amend section eleven hundred and twenty of the Political Code, relating to registration and the qualification of voters.

Bill read first time, and referred to Committee on Election Laws.

By Committee on Conservation: Assembly Bill No 69—An Act regulating the appropriation of water or the use thereof; creating and establishing a state water commission; defining the duties and powers of said commission; declaring what water is unappropriated; defining the rights, remedies, and duties of appropriators of water; making an appropriation to carry out the provisions of this Act; and also repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure

upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunto; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses, prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; preserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed, reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control, and fixing their compensation, compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control, providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control, declaring the diversion or use of water for generating electricity or electrical or other power otherwise than provided in this Act to be a misdemeanor and providing a penalty therefor; and also providing penalties for other violations of this Act, repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911, and all other Acts or parts of Acts in conflict herewith

Bill read first time, and ordered on file without reference.

By Messrs. Hinshaw and Lyon of Los Angeles: Assembly Constitutional Amendment No 10—A resolution to propose to the people of the State of California an amendment to the Constitution of this State, by amending Section 3 of Article 4 thereof, relating to the election of Assemblymen.

Read, and referred to Committee on Constitutional Amendments

RESOLUTION.

The following resolution was offered:

By Mr. Sutherland:

WHEREAS, A. H Carpenter, of the county of San Joaquin, State of California, has presented to this Assembly his memorial charging that N P Chipman Albert G Burnett, and Elijah C Hart, Justices of the District Court of Appeal of the State of California in and for the Third Appellate District, have been guilty of a misdemeanor in office and requests that this body investigate said charges; and

WHEREAS If said charges be found to be true, said Justices should be dealt with according to law, and if found to be untrue the judicial characters of said Justices should be vindicated and said court be relieved from all suspicion:

Resolved, That the Judiciary Committee of this Assembly be and it is hereby

authorized to investigate said charges, and to report to this Assembly whether the said Justices have so acted in their judicial capacity, or otherwise, as to require the exercise of the constitutional power of this Assembly to present impeachment charges against said Justices, and

Resolved, further, That for the purpose of such investigation, the said committee and such sub-committee as the said committee may appoint, are hereby authorized and empowered to send for persons and papers, to administer oaths, to take testimony, and to employ such clerical help and other assistance as may be necessary, and the said committee, or sub-committee, while so employed, shall have full power to enforce the attendance of witnesses, with a sergeant-at-arms, who shall serve the process of said committee, or sub-committee, and shall execute its orders and shall attend sittings thereof as ordered and directed by said committee; and

Resolved, further, That the expenses of such investigation shall be paid out of the Contingent Fund of the Assembly.

Mr Sutherland moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Coghlan, Cogswell, Cronin, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—57.

NOES—Mr. Cunningham—1.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Aricle IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

MOTION.

Mr. Ryan moved that the consideration of the constitutional amendment be made a special order for eleven o'clock A. M. of Tuesday, December 12, 1911.

Roll call regularly demanded.

The roll was called

CALL OF THE HOUSE

Pending the announcement of the vote, Mr Ryan moved a call of the House.

Motion carried

Time, two o'clock and forty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Chief Clerk was directed to call the roll

The roll was called, and the following answered to their names:

Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco Maher, Malone, March, McDonald, McGowen Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—70

The Chief Clerk announced the absentees

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House

Messrs Beatty, Joel, Kennedy, Gerdes, and Rodgers of San Francisco were brought before the bar of the House, and on motion excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and fifty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Ryan.

The roll of absentees was called, and motion lost by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Chandler, Coghlan, Cronin, Denegri, Farwell, Feeley, Gerdes, Griffiths, Hamilton, Harlan, Hayes, Hinshaw, Jones, Joel, Kennedy, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Schmitt, Slater, Walsh, Wyllie, and Mr. Speaker—35.

NOES—Messrs. Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Clark, Cogswell, Cunningham, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, and Young—39.

During the consideration of the Assembly constitutional amendment, Mr. Ryan moved that the Speaker appoint a select committee of one, to amend as follows:

On page 2, line 23, after the word "prescribed", strike out the period and insert in lieu thereof a semicolon and add "and they shall also under the same conditions be furnished and distributed by the State free of cost, or any charge whatever, to all children attending private and other schools in the State enrolled in classes or grades corresponding to similar or substantially similar classes or grades of the common and elementary schools of the State."

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beatty, Coghlan, Cogswell, Cronin, Denegri, Feeley, Harlan, Hayes, Joel, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Ryan, Schmitt, and Walsh—23.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Cunningham, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, March, McGowen, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50.

The question being on the adoption of the Assembly constitutional amendment

The roll was called, and Assembly Constitutional Amendment No. 3 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—65.

NOES—Messrs. Coghlan, Cogswell, Maher, Mullally, Ryan, Schmitt, Walsh, and Wyllie—8.

Assembly constitutional amendment ordered transmitted to the Senate.

THIRD READING OF BILL.

Assembly Bill No. 42—An Act excluding certain lands from reclamation District No. 535 and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the

legal indebtedness of said district when the same shall be ascertained by law

Bill read third time.

The question being on the adoption of the emergency clause.

The roll was called, and the emergency clause adopted by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—70.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 42 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler Chandler, Clark, Coghlan, Cogswell, Cronin, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie Young, and Mr Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county; providing for the voting, issuing and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and referred to Committee on Ways and Means.

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts

During second reading of bill, the following amendments were submitted by Mr. Bliss.

Strike out Subdivision 18, lines 56 and 57, page 10 of the printed bill.

Also: In Subdivision 50, line 59, page 19 of the printed bill, after the word "Madera," add the following: "Mono, Inyo".

Also: Strike out all of Subdivision 53, lines 79 and 80, page 20 of the printed bill, and insert in lieu thereof the following:

"53. The counties of Amador, Calaveras, and Alpine shall constitute the Fifty-third Assembly District."

Also: Strike out all of Subdivision 16, lines 44 to 52, both inclusive, page 9 of the printed bill, and insert in lieu thereof the following:

"16. All that portion of the city of Sacramento, in the county of Sacramento, lying north of the center of 'K' street, east of the center of Thirty-first street, and north of the center line of the right of way of the Southern Pacific's Placerville branch railroad, shall constitute the Sixteenth Assembly District.

17. All that portion of the city of Sacramento, in the county of Sacramento, lying south of the center of 'K' street, west of the center of Thirty-first street, and north of the center of 'Y' street, shall constitute the Seventeenth Assembly District.

18. All that portion of the county of Sacramento, not included in the Sixteenth and Seventeenth Assembly Districts, shall constitute the Eighteenth Assembly District."

POINT OF ORDER.

Mr. Smith rose to the following point of order: That the bill had not been read the first time.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

MOTION.

Mr. Coghlan moved that the question be made a special order for eleven o'clock A. M. of Tuesday, December 12, 1911.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beatty, Benedict, Brown, Butler, Coghlan, Cunningham, Denegri, Farwell, Gerdes, Hinkle, Hinshaw, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Smith, Tibbitts, and Walsh—27.

NOES—Messrs. Beckett, Bennink, Bishop, Bliss, Bolnett, Chandler, Cogswell, Cronin, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Haves, Held, Jasper, Jones, Judson, Kehoe, Lynch, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Slater, Stevenot, Stuckenbruck, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42.

The question being on the adoption of the amendments.

Roll call regularly demanded.

The roll was called, and the amendments lost by the following vote:

AYES—Messrs. Bliss, Cunningham, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, and Rodgers of San Francisco—7.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bolnett, Brown, Butler, Chandler, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Haves, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

The following amendment was offered by Mr. McDonald:

Strike out the words "An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts".

Roll call regularly demanded.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs Beatty Benedict, Butler, Coghlan Cogswell, Cunningham, Denegri, Farwell, Feeley, Gerdes, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Schmitt, and Walsh—23

NOES—Messrs Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Chandler, Clark, Cronin, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 44—An Act validating the formation and organization and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

During second reading of bill, the following amendments were submitted by Mr. Judson:

AMENDMENT No 1.

In line 2, Section 1 of the printed bill, after the word "as," insert the following "authorized by an affirmative vote of one thousand two hundred and ninety-eight qualified electors of the territory embraced within the boundaries of said district to three hundred and sixty-two votes against the organization thereof, and".

Amendment adopted.

AMENDMENT No 2.

In line 43, Section 2 of the printed bill, after the word "to" insert the word "the".

Amendment adopted.

AMENDMENT No. 3.

In line 50*a*, Section 2 of the printed bill, strike out the word "of" and insert in lieu thereof the word "on"

Amendment adopted.

Bill read second time.

Mr. Freeman moved that the bill be re-referred to the Committee on Irrigation and Drainage.

Motion lost

Bill ordered to reprint, engrossment, and third reading.

Assembly Bill No. 41—An Act to amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered to engrossment and third reading

THIRD READING OF SENATE BILL.

Senate Bill No. 13—An Act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, adver-

tisements and publications when prepared be delivered to the State Board of Control and vesting in the State Board of Control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all Acts and parts of Acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 13 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones Joel, Judson, Kehoe Kennedy Lamb Lynch Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—Messrs. Hall and Mullally—2.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 16½ of article eleven of the Constitution, relating to the deposits of moneys belonging to the State, or to any county or municipality within the State.

The question being on the adoption of the Senate constitutional amendment

The roll was called, and Senate Constitutional Amendment No 3 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Chandler, Cogswell, Cronin, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill Hall, Hamilton, Harlan, Hayes, Held Hinkle, Hinshaw, Jasper, Jones Joel, Judson, Lamb Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher Malone, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Senate constitutional amendment ordered transmitted to the Senate.

MOTION.

Mr. McDonald moved that the Assembly adjourn until eleven o'clock A. M. of Tuesday, December 12, 1911.

Mr Bohnett moved as an amendment that the time be ten o'clock A. M.

Amendment adopted.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, December 12, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER.
Tuesday, December 12, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon A H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wythe, Young, and Mr. Speaker—80.

Quorum present.

LEAVE OF ABSENCE.

On motion, Mr. Walker was granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Gerdes.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Senate Bill No. 30—An Act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers—have had the same under consideration, and respectfully report the same back and recommend that it be referred to the Committee on Engrossment and Enrollment, the same being identical with Assembly Bill No 38.

LYNCH, Chairman.

Senate Bill No. 30 referred to Committee on Engrossment and Enrollment, for comparison with Assembly Bill No. 38

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR SPEAKER Your Committee on Building and Loan Associations, to whom was referred Senate Bill No 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter

354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner—have had the same under consideration and respectfully report the same back and recommend that it be referred to Committee on Engrossment and Enrollment for comparison with Assembly Bill No. 12.

MOTT, Chairman.

Senate Bill No. 1 referred to Committee on Engrossment and Enrollment for comparison with assembly Bill No. 12

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 11, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians, the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

WALTER N. PARRISH, Secretary of the Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No 12 read first time, and referred to Committee on Labor and Capital

INTRODUCTION OF ASSEMBLY JOINT RESOLUTION.

The following Assembly joint resolution was introduced and referred as indicated:

By Mr Callaghan: Assembly Joint Resolution No. 4—Relative to bills before Congress concerning shipping industries.

Read, and referred to Committee on Federal Relations.

REFERENCE OF BILLS

On motion of Mr Clark, Assembly Bill No. 69 was referred to Committee on Ways and Means.

THIRD READING OF BILLS

Assembly Bill No 8—An Act to amend Section 4021*a* of the Political Code providing for the recall of elective officers of counties and subdivisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 8 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr Speaker—64.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to the board of election and manner of voting.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 48 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 9 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell Cronin, Cunningham Denegri Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—66

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Nolan, Polsley, Preisker Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March

31, 1897, by adding a new section thereto to be numbered 28½, and providing for the recall of elective officers of irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 39 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 4—Relative to printing on stationery of state offices, an invitation in behalf of State of California relative to Panama-Pacific International Exposition.

During the consideration of the Assembly concurrent resolution Mr. Hinkle moved that the Speaker appoint a select committee of one to amend the Assembly concurrent resolution as follows:

On line 4 of the printed resolution, after the semicolon following the word "California" insert the following "and the Panama-California Exposition is to be held in the city of San Diego in the year 1915."

Also: On line 6 of the printed resolution, strike out the word "exposition" and insert the word "expositions".

Also: On line 10 of the printed resolution, strike out the word "exposition" and insert the word "expositions".

Motion carried.

The Speaker appointed Mr. Hinkle as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Concurrent Resolution No. 4, with instructions, do now report that the instructions of the Assembly have been carried out.

HINKLE, Select Committee.

Report of select committee and amendments adopted.

Assembly concurrent resolution ordered to reprint, reengrossment, and on file for consideration.

Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for

freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—68.

NOES—Mr. Hall—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3—Relative to a bill before Congress, known as the "Sulloway Bill," for the relief of the veterans of the Civil War.

Assembly Joint Resolution No. 3 read, on motion adopted, and ordered transmitted to the Senate

WITHDRAWAL OF BILL.

Mr. Chandler asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 33.

Bill withdrawn and ordered stricken from the file.

SECOND READING OF BILLS.

Assembly Bill No 55—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No 59—An Act to amend Section 10 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885, said amendment relating to distribution of appropriated waters.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code, relating to public highways

Bill read second time and ordered to engrossment and third reading

Assembly Bill No. 56—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 3, line 6 of the printed bill strike out the words "registered voters" and insert in lieu thereof the following, "qualified electors".

Amendment adopted

AMENDMENT No. 2.

On page 3, Section 4, line 64 of the printed bill, strike out the words "in the future" and insert in lieu thereof the following: "after six months from date of said election".

Amendment adopted.

AMENDMENT No. 3

On page 4, Section 4, lines 21–22 of the printed bill, strike out the following words "the date of".

Amendment adopted.

AMENDMENT No. 4.

On page 6, line 56 of the printed bill, insert a comma after the word "district".

Amendment adopted.

AMENDMENT No 5.

On page 6, line 69 of the printed bill, strike out the word "Certification" and insert in lieu thereof the word "Verification".

Amendment adopted.

AMENDMENT No. 6.

On page 8, line 130 of the printed bill, strike out the word "clerks" and insert in lieu thereof the word "clerk".

Amendment adopted.

AMENDMENT No. 7.

On page 11 of the printed bill, Section 6, lines 7–8, strike out the words "first election" and insert in lieu thereof the following: "election or elections held to select the first board of directors, as herein provided".

Amendment adopted.

AMENDMENT No. 8.

On page 11, Section 6, line 10 of the printed bill, insert before the word "canvass" the words "proceed to".

Amendment adopted.

AMENDMENT No. 9.

On page 12, Section 9, line 19 of the printed bill, insert after the word "directors" the following: "and the person so chosen shall hold office for the remainder of the term so affected".

Amendment adopted.

AMENDMENT No. 10.

On page 13, line 17 of the printed bill, insert after the word "district" the following: ", and to complete, extend, add to, repair, or otherwise improve waterworks or waterworks system acquired by it as herein authorized".

Amendment adopted.

AMENDMENT No. 11.

On page 13, line 37 of the printed bill, strike out the word "any" at the beginning of said line, and insert in lieu thereof the word "and".

Amendment adopted.

AMENDMENT No. 12.

On page 14 of the printed bill, line 47, insert after the word "district" the following: "in the manner hereinafter provided".

Amendment adopted.

AMENDMENT No. 13

On page 14, line 49 of the printed bill strike out the semicolon at the end of said line, and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 14

On page 16, Section 16, line 7 of the printed bill, insert after the word "manner" the following: ", either for cash in lawful money of the United States or its equivalent,".

Amendment adopted

The following amendments were submitted by Mr Clark:

Amend by striking out of Section 5, page 7, line 118 of the printed bill, the word "exceed" and insert in lieu thereof the word "equal".

Amendment adopted.

Also:

Strike out of Section 5, page 7 line 120 of the printed bill, the word "twenty-five" and insert in lieu thereof "twenty"

Amendment adopted.

Also:

Strike out of Section 2, page 1, line 5 of the printed bill, the period and insert in lieu thereof the following "*provided*, that no such municipal water district shall include any city and county, city and town, or other municipality owning or operating a municipal waterworks substantially supplying the greater part of such city and county, city and town, or other municipality and its inhabitants with pure, fresh water at the time of the inception of the proceedings for the organization of the water district."

Amendment adopted.

Also:

Strike out of Section 27, page 19, lines 1 and 2 of the printed bill, the words "and be in full force from and after its passage", and insert in lieu thereof the following "ninety days after the final adjournment of this session of the Legislature."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

SECOND READING OF SENATE BILL.

Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

Bill read second time, and ordered on file for third reading

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following

Assembly Concurrent Resolution No 2—Approving charter of the city of Sacramento, county of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general election therein on the 7th day of November, 1911.

Also: Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Also: Assembly Bill No. 41—An Act to amend section one of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes

Also: Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 60—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors—with Senate Bill No 36, and report that the same are identical

RANDALL, Chairman.

Senate Bill No. 36 ordered on file for second reading.

Assembly Bill No. 60 withdrawn and stricken from the file, being identical with Senate Bill No 36

MOTION.

Mr Slater moved that the address of Mr. Bennink, on Assembly Joint Resolution No. 3, be printed in the Journal of to-day.

Motion carried.

ADDRESS BY MR. BENNINK.

Mr Speaker and Members of the Assembly: This resolution I present at the request of the Grand Army of the Republic of the Department of California and Nevada The legislatures of twenty-seven states of the Union have endorsed practically the same resolution.

Mr. Speaker and Members of the Assembly: Once a year, from ocean to ocean, sounds the tread of marching feet as thousands—the survivors of that great conflict through which this nation passed on to higher freedom—hasten to lay with faithful hands the buds and flowers which serve as a memorial of that great strife. Comrade and brother, joined in the mighty phalanx, which, year by year, is lessened by time's strong hand, go forth to perform a duty that is simple, yet sacred. In the ranks are those who fought that fight, some coming forth unscathed, while others shall suffer while life endures from wounds received and sickness contracted in the great campaigns; but they made history, history that is fadeless, and though the swing of the tread that hastened them on to victory has lost its old time vigor, its cadence, yet sounding through the land, recalls memories of sad farewells that were spoken in nearly all households in this broad land. And to-day—aye, day by day—one hundred of those comrades are marching on with feeble, faltering step to the bank of that river, that silent river, whose current flows but one way, and are met at last by that "Reaper" we call "Death," but who I think should more often be called the "Angel" of a better life And standing but an instant on the bank of that silent river, they look beyond to that "bourne from which no traveler ever returns"

And now, the surviving comrades of those men ask the Legislature of the State of California that you will request of our members in the halls of national legislation that they will use their vote and influence in support of the "Sulloway Bill," a bill which asks so little for men who gave so much, and which will smooth their pathway in the journey of life which is so rapidly nearing its end. For all he was, for all he dared remember him in this his request to-day

RECESS.

At ten o'clock and fifty minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until three o'clock P. M. of this day.

REASSEMBLED.

At three o'clock P. M. the Assemply reconvened.

Speaker Hewitt in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following:

Assembly Bill No 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

Also: Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards, defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard,' approved March 22d, 1905, and the Act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911; said amendments relating to elections.

Also. Assembly Concurrent Resolution No. 8—Relative to adjournment *sine die.*

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following:

Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code of the State of California, relating to public highways.

Also: Assembly Bill No. 59—An Act to amend Section 10 of an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885, said amendment relating to distribution of appropriated waters.

Also: Assembly Bill No. 55—An Act to amend Section 3494 of the Political Code of the State of California relating to the sale of school lands.

Also: Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 17th day of October, 1911.

And report that the same have been correctly engrossed.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 38 with Senate Bill No. 30—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys and creating a reclamation board and defining its powers.

Also Assembly Bill No. 12 with Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as "The Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

And report that the same are identical.

RANDALL, Chairman

Senate Bill No. 30 ordered on file for second reading.

Assembly Bill No. 38 withdrawn and ordered stricken from the file.

Senate Bill No. 1 ordered on file for second reading.

Assembly Bill No. 12 withdrawn and ordered stricken from the file.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR SPEAKER Your Committee on Election Laws, to whom was referred Assembly Bill No. 65—An Act to amend sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909 (said Act being otherwise desig-

nated as the direct primary law), approved April 7, 1911—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 28—An Act to amend an act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

JONES, Chairman.

The above reported bill ordered on file for second reading.

ON IRRIGATION AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1911.

MR SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 2½—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LYON of Los Angeles, Chairman.

The above reported bill ordered on file for second reading.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT.

The following was introduced and referred as indicated:

By Mr. Polsley: Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

Read, and referred to Committee on Constitutional Amendments.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following was introduced and referred as indicated:

By Mr. Jones: Assembly Concurrent Resolution No. 10—Relative to adjournment *sine die*.

Read, and referred to Committee on Ways and Means.

RE-REFERENCE OF BILL.

On motion of Mr. Cogswell, Senate Bill No. 24 was recalled from the Committee on Ways and Means and referred to Committee on Municipal Corporations.

MOTION.

Mr. Clark moved that Assembly Bill No. 56 be recalled from print and engrossment, for the purpose of further amendment

Motion carried, and bill recalled.

Assembly Bill No 56—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks and for

the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

The following amendments were submitted by Mr. Clark:

Strike out all of the title down to the words "Section 1," and inserting in lieu thereof the following

"An Act to amend an Act entitled 'An Act to provide for the incorporation and organization and management of municipal water districts,' approved May 1, 1911, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts

The people of the State of California do enact as follows:

That Act entitled 'An Act to provide for the incorporation and organization and management of municipal water districts,' approved May 1, 1911, is hereby amended to read as follows ".

Amendment adopted.

Also:

Strike out on page 19, Section 27, line 1, the figure "7" and insert in lieu thereof the figure "8".

Amendment adopted.

Also:

Insert on page 2, line 7 of the printed bill, after the word "for" the words "candidates for".

Amendment adopted.

Also:

Amend the printed bill by inserting on page 13, line 13, before the word "lands," the following: "waters, water rights,".

Amendment adopted.

Also:

Amend said printed bill by adding thereto a new section as follows:

"SEC. 27. This Act shall not affect pending actions or proceedings brought or instituted under the provisions of the Act of which this Act is amendatory, but the said actions may be prosecuted and defended and the proceedings carried to completion with the same effect as though this Act had not been passed."

Amendment adopted.

Bill ordered to reprint, engrossment, and third reading.

SECOND READING OF SENATE BILL.

By unanimous consent, Senate Bill No. 36 was taken up for second reading

Senate Bill No 36—An Act to amend Section 1837 of the Political Code relating to the levying of district school taxes by boards of supervisors.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS.

Assembly Bill No 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

During the third reading of the bill, Mr. Young moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 11 of the amended bill, before the word "of" insert the words "and Vice-President "

Also: On page 2, line 37 of the amended bill, after the word "President" insert the words "together with a blank space for writing the name of such a candidate.".

Also: On page 3, line 49 of the amended bill, after the period insert the following "This space shall be left blank above the 'No Preference Column' provided for in Section 5 of this Act. Below the words 'For Presidential Nominee' heading the blank space hereinbefore provided for shall be the words 'Blank Space' in six point gothic type.

Also: On page 4, line 25 of the amended bill before the period insert the words "but shall appear as individuals."

Also: On page 5, line 9 of the amended bill, omit the words "Prefers _____ for President" and insert in lieu thereof the words "Candidates Preferring _____."

Also: On page 6, line 24 of the amended bill, after the period insert the following: "Above this 'No Preference Column' neither the words 'For Presidential Nominee,' nor the space for the name of such nominee shall appear."

Also: On page 6, line 38 of the amended bill, omit the word "provided" and insert in lieu thereof the words "referred to."

Also: On page 6, line 54 of the amended bill, before the word "or" insert the words "not in a group."

Motion carried.

The Speaker appointed Mr. Young as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 30, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton.

Resolution read.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—74

NOES—None.

Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 1

Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 17th day of October, 1911.

WHEREAS, The city of Stockton, a municipal corporation of the county of San Joaquin, State of California, now is and at all times herein referred to was a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a general municipal election held in said city on the 16th day of May, 1911, under and in accordance with the laws and the provisions of Section 8, Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of said city of Stockton; and

WHEREAS, Said charter was on the 14th day of August, 1911, signed in duplicate by more than a majority, to wit fourteen of the members of said board, and was, on said 14th day of August, 1911, duly returned and filed, one copy thereof to and with the mayor of said city, and the other copy to and with the county recorder of

the county of San Joaquin, State of California, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Stockton Daily Evening Record" and in "The Mail," each being a newspaper of general circulation in said city of Stockton, and the said charter being published as aforesaid for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter, and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted by the city council of said city of Stockton to the qualified electors of said city of Stockton at a special election, previously duly called and therein held on the 17th day of October, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Stockton, voting at said special election, voted in favor of the ratification of, and did ratify, said charter as proposed; and

WHEREAS, Said city council of the city of Stockton, after duly canvassing the returns of said election, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying and did ratify said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF STOCKTON.

ARTICLE I.

NAME, RIGHTS OF THE CITY AND BOUNDARIES.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the city of Stockton shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Stockton, and by such name shall have perpetual succession

Rights and liabilities.

SEC. 2. The city of Stockton shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges, and franchises now possessed, enjoyed, owned or held by it; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with the provisions of this charter.

Boundaries.

SEC. 3. The boundaries and territorial extent of the city of Stockton are and shall continue to be the same as fixed and described in an Act of the Legislature of the State of California, approved March 27th, 1872, in the words following, to wit: "All that part of the county of San Joaquin, bounded north by the north line of North street, south by the south line of South street, said lines extending west of the line of Tule (Edison) street half a mile, east by the east line of East street, as said streets are now (1872) laid out, dedicated and known in said city, and west by a line parallel with Tule or Bragg (Edison) street and half a mile west from said street and intersecting with the continuation of said north and south lines westerly"; said streets, boundaries and territorial extent being shown and delineated upon the official map of said city by H. T. Compton, city surveyor, adopted by the city council of said city on July 23d, 1894.

ARTICLE II.

ELECTIONS.

General and special municipal elections

SEC. 5. A municipal election shall be held in the city of Stockton on the first Tuesday in October next after the approval of this charter by the Legislature, and on the first Tuesday in October in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Subdivision 21, of Section 6, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and election of city officers.

SEC. 6 The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise

Condition of candidacy.

(1) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of nomination petition.

(2) The petition of nomination shall consist of not less than twenty-five, nor more than thirty-five, individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON.

No _____

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____ whose residence is at No ____ _____ street, Stockton, for the office of _____ to be voted for at the municipal election to be held in the city of Stockton on the _____ day of _____, 19____, and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. _____ street, Stockton, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON.

_____, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

_____
(Notary public or verification deputy).

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ _____ street, Stockton, Cal.

Forms to be supplied by the city clerk.

(3) It shall be the duty of the city clerk to furnish upon application a reasonable number of official forms of individual certificates of the above character.

Requirements of certificates.

(4) Each certificate must be a separate paper. All certificates must be of uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more? Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector and must not at the time of signing a certificate have signed his name to any other for any other candidate for the same office In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification deputies.

(5) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the city clerk. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation and whether or not they are qualified electors of the city of Stockton, California.

Date of presenting petition.

(6) A petition of nomination may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election, except as otherwise provided in this charter. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petitions by city clerk.

(7) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this charter. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided.

Withdrawal of signature.

(8) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

(9) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petitions.

(10) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Preservation of petitions.

(11) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Election proclamation.

(12) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of Stockton, and the council shall cause said certified list of names and offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least three successive days, commencing seven days before the election, in not more than one daily newspaper of general circulation published in the city of Stockton. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of ballots.

(13) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION,

CITY OF STOCKTON.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (×) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of ballot.

(14) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

(15) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot

Arrangement of offices on ballot

(16) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."
"For councilmen (if any) vote for (giving number)."
"For school directors (if any) vote for (giving number)."

Space for voting cross.

(17) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank spaces for additional candidates

(18) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote

Sample ballots.

(19) The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote necessary for election

(20) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office, shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Second election.

(21) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person, who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Rules governing second election.

(22) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that proclamation of election shall be published twice only, and provided also that the same precincts and polling places shall, if possible, be used.

Failure of person elected to qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Informalities in election.

(24) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter

General election regulations.

(25) The provisions of the State law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Qualifications of voters.

(26) No person shall be entitled to vote at any election held under the provisions of this charter, unless he shall be a qualified elector of the county, enrolled upon the

great register thereof and in the precinct in which he votes at least twenty-five days next preceding said election and shall have resided in the city of Stockton for at least thirty days preceding such election. At any election held under the provisions of this charter, the last printed great register of the county shall be used and any elector whose name is not upon such printed register shall be entitled to vote upon producing and filing with the board of election a certificate under the hand and official seal of the county clerk showing that his name is registered and uncancelled upon the great register of the county; *provided*, that he is otherwise qualified to vote as previously set forth in this section.

ARTICLE III.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SEC. 10. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city The procedure to effect such removal from office shall be as follows:

Petition for recall.

(1) A petition signed by qualified electors, equal in number to twenty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

Provisions of section 6 apply.

(2) The provisions of Section 6 respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires

Election under recall petition.

(3) If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within ninety days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of recall. Officer's justification.

(4) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

Candidates. Election.

(5) The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of Section 6.

Incumbent removed.

(6) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

No recall petition for first three months.

(7) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Incapacity of recalled official

(8) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further regulations.

(9) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 6 thereto.

ARTICLE IV.

ELECTIVE OFFICERS.

The elective officers.

SEC. 15 The elective officers of the city of Stockton shall be a mayor, four councilmen, and five school directors

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council, but the mayor shall have no other vote than such vote as member of the council.

The board of education shall consist of five school directors, each of whom shall have the right to vote on all questions coming before the board.

Elected at large.

SEC. 16. The mayor, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of mayor, councilmen and school directors.

SEC. 17. To be eligible for the office of mayor, councilman, or school director, a person must be a citizen of the United States and a qualified elector of the State of California, and of the city of Stockton, and have been a resident of the city of Stockton for three years.

Vacancy in office of mayor or councilman.

SEC. 18. If a vacancy shall occur in the office of mayor or councilman, the council shall appoint a person to fill such vacancy. If at any municipal election held under Subdivision 21 of Section 6 of this charter a mayor, or the required number of councilmen be not elected by reason of a tie vote among any of the candidates therefor, then the council after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons, receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Vacancy in office of school director.

SEC. 19. If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any municipal election held under Subdivision 21 of Section 6 of this charter a school director be not elected by reason of a tie vote among any of the candidates therefor, then the board of education after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote, to fill such office as in case of a vacancy therein. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Mayor's term of office.

SEC. 20. The mayor shall hold office for a term of four years from and after the first Monday in January after his election, and until his successor is elected and qualified.

Councilmen's term of office.

SEC. 21. The councilmen shall hold office for a term of four years from and after the first Monday in January after their election and until their successors are elected and qualified; *provided*, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years. At each general municipal election after the first under this charter, there shall be elected two councilmen.

School director's term of office.

SEC. 22. The school directors shall hold office for a term of four years from and after the first Monday in January after their election and until their successors are elected and qualified; *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and three of them for four years. At each general municipal election after the first under this charter the number of school directors to be elected shall be equal to the number of terms to expire, under the aforesaid provisions, on the ensuing first of January, to wit, alternately two or three.

Official bonds.

SEC. 23. The mayor, each councilman and each school director shall, before entering upon the duties of his office, give and execute to the city a personal bond or a bond with a surety company, the mayor in the penal sum of ten thousand dollars, each councilman in the penal sum of five thousand dollars, and each school director in the penal sum of two thousand five hundred dollars, the city of Stockton to pay the cost of acceptable surety company bonds, if such are given. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the several councilmen and school directors must be approved by the mayor. The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers. The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk. All the provisions of any law of this State, relating to official bonds, not inconsistent with this charter, shall be complied with.

Oath of office.

SEC. 24. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Salaries.

SEC. 25 The mayor shall receive an annual salary of three thousand dollars, payable in equal monthly installments.

Each councilman shall receive an annual salary of twenty-four hundred dollars, payable in equal monthly installments.

Administering oaths. Subpœnas

SEC. 26. Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpœnas, to compel by subpœna the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission If any person so subpœnaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpœna, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of such officers, or of any member of such board or commission, detail a police officer or police officers to serve such subpœna

ARTICLE V

THE MAYOR.

The chief executive.

SEC. 30 The mayor shall be the chief executive of the city. He shall be charged with the general oversight of the several departments of the municipal government and may suggest and advise in all matters thereof. He shall see that all contracts with the city are faithfully performed and that all the ordinances of the city are duly enforced.

Mayor pro tempore.

SEC. 31. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor *pro tempore* In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's reports

SEC. 32 The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to have city's books examined

SEC. 33 The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant, who shall examine, at least twice each year, the books, records and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records, and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office The council shall provide for the payment of the services of such accountant.

Supervision of public utility companies.

SEC. 34 The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed. The mayor shall, and the council may, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal, or void, or voidable, or negligently exercised or not binding upon the city. The city attorney, on demand of the mayor, or of the council, must institute and prosecute in the name of the city the necessary actions to enforce the provisions of this section.

Powers and duties prescribed by ordinance.

SEC. 35. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or by ordinance, or by resolution of the council.

ARTICLE VI.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

The four municipal departments.

SEC. 40 The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows

1 Department of finance, revenue and public supplies
2 Department of public health and safety.
3 Department of public works
4 Department of audit

The four commissioners.

SEC. 41 The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance, revenue and public supplies, who shall be ex officio treasurer, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of audit, who shall be ex officio auditor. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change any designation, whenever it determines that the public service will be benefited thereby.

Council to assign duties to the departments.

SEC. 42 Each commissioner is charged and empowered to act executively and administratively in all matters within the scope of his department as indicated by the names of the departments given in the two sections next preceding. He shall have power to select, direct and discharge the employees of his department and persons employed in or upon matters within the scope of his department The council may further effectuate the intended departmental distribution of executive and administrative powers, duties and subject matters by enacting ordinances which shall more particularly and exactly define the powers, duties and subject matters of each department, and by ordinance make general rules and regulations for the efficient and economical conduct of the business of the city, but shall have no power to impair or defeat the intended distribution of certain duties, powers and subject matters to its appropriate department and commissioner As between any commissioner and the council the legislative determination or distribution of duties, powers or subject matters by the council shall be final, but as between the people and any member of the council the inability or failure of such member to act wisely or effectively in the matters of such determination or distribution of such duties, powers or subject matters shall be a reason for his recall as provided elsewhere in this charter. Nothing herein contained shall prevent the council from acting by resolution in a specific case not otherwise provided for, or prevent two or more departments or commissioners from harmonizing their action so far as may be necessary or convenient for the best conduct of the specific matter in hand.

The chief appointed officials.

SEC. 43. The chief appointed officials of the city shall be city clerk, assessor, tax collector, attorney, engineer, chief of police, fire chief, street superintendent, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council, and the vote, whether for appointment or removal, shall be taken as to each officer separately. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The council shall, by ordinance, or by resolution, prescribe the duties of all the chief officials, but in so doing shall have no power to limit, impair or defeat the paramount executive and administrative authority of the commissioners of the departments, as such authority is contemplated in Sections 40, 41 and 42 of this article and throughout this charter. The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed by resolution to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

Subordinate officers and employees.

SEC. 44 The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant, or employee, except as otherwise provided in this charter.

Compensation of officers and employees.

SEC. 45 The compensation of all city officers provided for by Section 43 of this charter, except library trustees and school directors, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided No officer or employee shall be allowed any fees, perquisites, emolu-

ments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid forthwith by him into the city treasury.

Reports of departments.

SEC. 46. Each department and commission shall annually, on such date as may be fixed by the council, and at such other times as the council may by resolution demand, render to the mayor a full report of all operations of such department or commission

Reports to be published.

SEC. 47. The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions

Councilman to hold no other office.

SEC. 48. No member of the council shall be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Officers not to be interested in contracts or franchises.

SEC. 49. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void

Any officer who shall violate any of the provisions of this section shall forfeit his office.

ARTICLE VII.

THE COUNCIL.

The council, the governing body.

SEC. 55. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

President and vice-president.

SEC. 56 The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president

Meetings of council.

SEC. 57. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be public.

SEC. 58. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

SEC. 59. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of proceeding.

SEC. 60. The council shall establish rules for its proceedings, may punish its members for disorderly conduct and compel the attendance of its members at council meetings. Every member, when present, must vote upon all propositions.

Ordinances and resolutions.

SEC. 61. (1) The council shall act only by ordinance or resolution.

Ayes and noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council

Majority vote of council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council

Subject and title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations If any subject shall be embraced in an ordinance which shall not be expressed

in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting clause of ordinances.

(5) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Stockton as follows."

Requirements of an ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published in a daily newspaper of general circulation in the city of Stockton with the ayes and noes for three days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for two days.

Ordinances required in certain cases.

(7) No action for the appropriation, acquisition, sale or lease of public property, or levying any tax or assessment, or granting any franchise, or establishing or changing fire limits, or imposing any penalty shall be taken except by ordinance, provided that where the council takes action in pursuance of general laws of the State it may proceed in any manner permitted or required by such laws.

Deliberate action for expenditure of six hundred dollars and more.

(8) No action authorizing any specific improvement, unless the cost of such improvement be less than six hundred dollars, or involving or authorizing the appropriation or expenditure of public money, except in sums less than six hundred dollars, shall be taken otherwise than at a regular meeting or adjourned regular meeting of the council, nor unless as many as five full days shall have intervened after the day upon which the authorizing resolution or ordinance shall have been introduced for passage or adoption and before the day of the passage or adoption of such resolution or ordinance; *provided, however*, that in the presence of a great public calamity or distress, such as extraordinary fire, flood, epidemic, disease, or any other similar public calamity or distress, relief measures within the powers of the council may be taken forthwith by the unanimous vote of the council.

Reconsideration.

(9) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and attesting.

(10) The mayor shall sign and the clerk shall attest all ordinances and resolutions duly passed by the council.

Revision and amendment.

(11) No ordinance shall be revised, reënacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

(12) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinances granting franchises.

(13) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

Record of city ordinances.

(14) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and may, in the custody of the city clerk or his representative, be taken, within the limits of the city, into any court or for any legal proceeding.

Protection of absent commissioner.

SEC. 62. In the absence of a commissioner no final action shall be taken in any matter concerning his department except at a regular meeting, nor unless such business has been made a special order at a meeting at which such councilman was present.

Publication of charter and ordinances.

SEC. 63. The council, from time to time, may cause all ordinances in force at such time to be classified under appropriate heads, and, together with, or separately from, the charter of the city, publish the same in book form.

ARTICLE VIII.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

SEC. 70 Without denial or disparagement of other powers held under the Constitution and laws of the State, the city of Stockton shall have the right and power

Public buildings, works and institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain equip, own and operate libraries, reading rooms, art galleries, exhibition buildings, auditoriums, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning plants, street sprinkling plants, sewers, sewer outlets, sewage disposal plants, quarries, gravel pits, sand pits, clay pits, wharves, docks, waterways, canals, and all other public buildings, structures, works, apparatus, institutions and places.

Water, light, heat and power.

(2) To provide for supplying the city and its inhabitants or the city or its inhabitants with water, gas and electricity or any one or more of the same or with any other means of heat, illumination, power or refrigeration; to provide for supplying light, water, power and refrigeration or any one or more of the same for municipal public buildings and places; to provide for supplying water and light for the public streets, to provide water and power for the extinguishment of fires by the municipal agencies; to acquire by purchase, condemnation, construction, lease, or otherwise, and to own, equip, operate and maintain plants and apparatus for the production, distribution and management, or production or distribution or management of water, gas, electricity, heat, power or refrigeration, in any of their forms, singly or in any combination of the same, by pipes, wires, or other means, and for any or all of the uses or purposes in this section mentioned aforesaid.

Telephone, telegraph, railroads, transportation

(3) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate or acquire or establish or maintain or equip or own or operate telephone systems and telegraph systems or telephone systems or telegraph systems, for the use of the city and its inhabitants or the city or its inhabitants.

To acquire, construct, maintain and operate or acquire or construct or maintain or operate, for the use of the city and its inhabitants or the city or its inhabitants, or for other public uses or any public or municipal use, railroads of any kind and transportation service of any kind or railroads of any kind or transportation service of any kind

To do and have the things and powers specified in this subdivision (3) aforesaid within the territorial limits of the city of Stockton To do and have the things and powers specified in this subdivision (3) aforesaid outside of the territorial limits of the city of Stockton, but this only to the extent that the railroad or transportation service may be necessary or convenient for the public use by the city or its inhabitants of any land, park, building, structure, works, improvement, institution, property or right of the city situated outside of its territorial limits.

Short, temporary, ancillary, railroad tracks.

(4) To acquire, construct, maintain and operate or acquire or construct or maintain or operate short or temporary railroad tracks, and also side tracks, turnouts, switches, spur tracks, yard tracks, industry tracks, warehouse tracks, and other similar railroad tracks which may be necessary or convenient and advisable from the public standpoint; and the powers conferred by this subdivision (4) may be exercised independently of as well as in conjunction with the powers conferred in the preceding subdivision (3), and either apart from or in aid of the things in such subdivision (3) authorized; *provided*, that nothing in this subdivision (4) contained authorizes tracks or service for solely private use or benefit.

Purchase and sale of certain utilities.

(5) To buy, and to sell to the inhabitants of the city, gas, electricity, power, water, refrigeration, or any other similar product.

Land for public purposes.

(6) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

Lease of public utilities.

(7) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city; *provided*, that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed five years

Bequests and donations.

(8) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Borrowing money, bonds.

(9) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor or without issuing bonds therefor *provided*, that in the procedure for the creation and issuance of bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed, and be applicable even though such laws may not enumerate the specific purpose the city has in view

Joint ownership of public utilities.

(10) To join with one or more cities, counties or districts, incorporated under the Constitution and laws of the State in the acquisition and maintenance of sewage disposal facilities and plants and in order to acquire and develop jointly a source or sources of water supply, light, refrigeration, heat and power, for any purpose or use within the powers of the city of Stockton and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities, counties or districts, in bond issues for the acquisition and installation of the same.

Sue and defend.

(11) To sue and defend in all courts and places and in all matters and proceedings

Direct legislation by people.

SEC. 71. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the general powers of the city or any of the specified powers of the council.

Powers of the council enumerated.

SEC. 72. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

(1) To continue the present corporate seal or to provide a new corporate seal with appropriate device, to be affixed to all instruments or writings needing authentication.

Violation of charter and ordinances.

(2) To prescribe fines, forfeitures and penalties for violation of any provision of this charter or of any ordinance.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof

Police and fire departments.

(5) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

Police and fire alarm systems.

(6) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, guncotton, nitroglycerine, fireworks, firecrackers and other explosive articles, materials and substances.

Inflammable materials.

(8) To regulate the storage of hay, straw, oil, gasoline, benzine and other inflammable or combustible materials

Engines and boilers

(9) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and all other generators of light, heat or power, and to prohibit their use in such localities as in the judgment of the council would endanger public health, safety or comfort.

Fire limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction, or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas, or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire escapes.

(12) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precaution against fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactures liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make provisions to guard against fires.

Provisions for safety in theaters, halls, etc.

(14) To regulate the size, construction, and lighting of the entrances to and exits for all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theaters, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provisions for safety in workshops and factories

(15) To regulate the location of workshops and factories, the size and position of hallways, aisles, open places, stairways, elevators, entrances and exits in such shops and factories and the size, construction and lighting of such workshops and factories and to provide in any manner or particular for the safety of the occupants of the same.

Provisions for safety in streets

(16). To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, to place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may deem proper. To require street cars and local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city. To regulate the speed with and the manner in which persons may ride or drive or propel bicycles, automobiles, motor cycles, or other vehicles along or upon any of the streets or highways of the city.

Improper use of streets.

(17) To regulate or prohibit the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures, to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Weeds and rubbish on sidewalks, and in lots.

(18) To compel the owner, lessee or occupant of buildings, grounds or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the building or grounds, and on his default, after such notice as the council may prescribe, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner, lessee or occupant, and, by such procedure as the council may prescribe, to make such expense a lien upon such buildings or grounds.

Billboards and signs

(19) To regulate, license or prohibit the construction and use of billboards and signs

Animals.

(20) To regulate and prevent the running at large of animals; to provide for the destruction of vicious or diseased animals, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Public pound.

(21) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large. To establish routes and other regulations for driving or taking loose animals or droves or bands of animals through the city or any part thereof.

Cruelty to animals.

(22) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Keeping of animals.

(23) To regulate the keeping of animals within the city in pens, corrals, stables or otherwise.

Preservation of health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease

Dangerous and offensive occupations; disagreeable noises

(25) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises or odors

Inspection of food products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk, and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, tenement and apartment houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition

Sewer connections.

(29) To regulate or prohibit the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, draining or emptying of the same, and to designate the time and manner in which the work of cleaning, draining or emptying the same shall be done.

Garbage

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing businesses

(31) To license for purposes of regulation and revenue all and every kind of business transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Regulation of pawnbrokers, auctioneers and others.

(32) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in second hand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Regulation of public vehicles.

(33) To establish stands for hacks, public carriages, express wagons, automobiles, and other public conveyances for hire, and to regulate the charges of such hacks, public carriages, express wagons and other public conveyances, and to require schedules of such charges to be posted in or upon such public conveyances

Weights and measures.

(34) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Public shows. Gambling.

(35) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, the selling of pools, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public order and decency.

(36) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

(37) To levy and collect taxes upon all the real and personal property within the city.

Erroneously collected taxes.

(38) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(39) To fix the fees and charges for all official services.

Mayor's urgency fund.

(40) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor

Lease of lands owned by the city.

(41) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for one week, stating explicitly the time and conditions of the proposed lease; *provided*, that no such lease shall be for a period longer than five years, and the council may in its discretion reject any and all bids.

Purchase of property under execution.

(42) To provide for the purchase by the city of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

(43) To provide for the sale at public auction, or at private sale, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

(44) To provide for the execution of all trusts confided to the city.

Street grades.

(45) To establish or change the grade of any street or public place.

Street work.

(46) To do make, construct and provide for work, improvements, structures, grading, conduits and ornamentation in and on public streets, avenues, lanes, alleys, courts, ways and places, to order the whole or any portion or portions, either in length or width of any one or more of the streets, avenues, lanes, alleys, courts, places or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances; pipes, hydrants, and appliances for fire protection; tunnels, viaducts, conduits and subways, breakwaters, levees, bulkheads and walls of rock or other material to protect the same from overflow or injury by water, and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways; the planting of trees thereon, and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection and breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys courts, places, or public ways or property or rights of way of such city; to cause shade trees, plants and grass to be set out, planted and cultivated therein, and to provide for the care of the same, and also, to order drainage or sanitary sewers to be constructed on or through private property. Whenever, in the judgment of the council or the people, the cost and expense of any of the improvements (meaning every kind in this subdivision (46) aforementioned) is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all the proceedings shall be thereunder and in conformity thereto

Street opening.

(47) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city, and to condemn and acquire any and all property necessary or convenient for those purposes Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements in this subdivision (47) mentioned, is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor To make provision for the deposit with the treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the person, firm or corporation making such opening, such expense to be paid out of such deposit

Boulevards.

(48) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon, and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in this charter

Water front and wharves.

(49) To improve, keep in repair and control the water front of the city, to fix the rates of wharfage dockage, bankage, and tolls, and provide for the collection thereof to license, regulate and control the landing, anchorage and mooring of steamboats, sailing vessels, barges, rafts, tug boats, house boats, and all other watercraft within the jurisdiction of the city.

Regulation of public utility rates.

(50) To fix and determine by ordinance the rates or compensation to be collected by any person, firm or corporation in the city, for water, gas, electricity, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

Regulation of railroads.

(51) To regulate railroads, their tracks and cars, to compel the owners of two or more railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between or among them

Railroads to keep streets in repair

(52) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place.

Spur tracks.

(53) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad which now enters or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose for excavating or filling a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of poles and wires

(54) To cause the removal of poles and posts and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city, and to cause the removal of all anchor posts or anchor wires or any other device for bracing poles, and to prevent the placing of any such devices.

Size and location of pipes.

(55) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs, hydrants, and all other pipes and conduits laid or constructed in the streets and public places; to regulate the construction, maintenance and repair of the same, and to require the filing of charts and maps showing the size, character and location of such mains, pipes, hydrants, fire plugs, conduits and other like matters.

Elections.

(56) To make all rules and regulations governing elections not inconsistent with this charter.

Civil service commission.

(57) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies may be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Firemen's pension fund.

(58) To establish, maintain, regulate and provide for the distribution for the relief of such exempt members of the "Old Volunteer Fire Department" of the city of Stockton as shall have become incapacitated in course of duty in said department or debilitated by age or sickness, a fund to be known as the Firemen's Relief Fund, and to so provide in the tax levy as that such levy shall yield each year as and for such fund a sum of not less than five hundred dollars

Policemen and firemen's pension fund.

(59) To provide a pension and relief fund for policemen and firemen.

General charter powers.

(60) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter.

Powers mentioned in constitution.

(61) Nothing in the foregoing specification of powers shall prevent the city from making and enforcing within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws.

ARTICLE IX.

FINANCE AND TAXATION.

The fiscal year.

SEC. 75. The fiscal year of the city shall commence upon the first day of January of each year, or at such other time as may be fixed by ordinance.

Tax system.

SEC. 76. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Stockton is situated and taxes collected by the tax collector of said county for and on behalf of the city of Stockton. Other provisions of this charter concerning the assessment, levy, and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department estimates of annual requirements.

SEC. 77. On or before the first Monday in October in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards, and commissions shall send to the commissioner of finance, revenue and public supplies a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual estimate of city's requirements and revenue.

SEC. 78. On or before the first Monday in November in each year, or on such date in each year as shall be fixed by the council, the commissioner of finance, revenue and public supplies shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual budget.

SEC. 79. The council shall meet annually not later than thirty days prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable. No part of the items so allowed each department, office, board or commission shall be transferred to any other department, office, board or commission, unless by unanimous consent and the consent of the department, office, board or commission affected.

Board of equalization.

SEC. 80. The council shall meet at their usual place of holding meetings on the second Monday in January of each year or at such date in each year as shall be fixed by the council, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for six days. They shall have power, on their own motion, with or without complaint made, to correct, modify, strike out, raise or lower any assessment in any way they shall deem just and proper; *provided, however*, that before making any raise in any assessment, the board shall notify the person interested by letter deposited in the post office, postpaid and addressed to such person, at least two days before action taken, of the day fixed when the matter will be investigated. They shall have power upon completion of this equalization to raise or lower the entire assessment by a uniform percentage.

Annual tax levy.

SEC. 81. The council must finally adopt, not later than six days after completion of the equalization, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Permanent water front improvement.

SEC. 82. For the purpose of providing for permanent water front improvements four per cent of the revenue actually collected for general purposes shall be set aside and applied to the construction of permanent improvements along the channels fronting on public streets and levees within the corporate limits of the city.

Cash basis fund.

SEC. 83. The council may create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than five cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The council shall have power to transfer from such cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax liens.

SEC. 84. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach each year as of the first Monday in the fourth month preceding the fiscal year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption as it may be struck off and sold to the State when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the auditor. Books, receipts.

SEC. 85. (1) The auditor shall keep and number a record of all demands allowed by him showing the date of approval, amount, and name of original holder, the number, on what account and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of each month, or oftener if required, report to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue was derived and how expended. The auditor must prepare, countersign and deliver, from time to time, or as required, to the proper officer, agent or employee, all licenses and other receipts, charging him therewith and taking his receipt therefor.

Warrants and demands.

(2) He shall draw and sign all warrants upon the treasury. Every demand against the city, from whatever source, when allowed by the council or proper board, shall have stamped upon it the date of approval by such body, and shall be signed by the president of such body, and shall then be presented to the auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If it is not

approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it, with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a four-fifths vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected, provided the body had the authority to make the expenditure out of which the claim arose.

Contents of claims.

(3) No demand upon the city treasury shall be considered, presented for action or acted upon, allowed or approved, unless it specifies on its face each several item composing it, and the amount and date thereof, nor unless the same be verified by the oath of the claimant, or some one in his behalf. Every demand on any fund shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed

Deductions and limitations.

(4) No demand upon the treasury shall be allowed by the auditor, in favor of any officer, or other person, or any firm, company, or corporation, or his or its assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the city council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the city council

Certification to treasurer

(5) He shall on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable and by whom to be paid He shall charge the treasurer with the amount received It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned, and forthwith notify the treasurer of such apportionment.

Entitled to information.

(6) The auditor shall have the right to require from the different departments, boards and offices, all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in the respective departments, boards or offices and it is hereby made the duty of all such departments, boards and offices, to furnish the information and permit the inspection when required by the auditor. He shall perform such other duties as may be required of him by law or ordinance.

Disposition of money collected.

SEC. 86 Every official, agent or employee collecting or receiving moneys belonging to or for the use of the city shall settle for the same with the auditor on or before the first Monday of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the city treasury, on the order of the auditor. No payment of salary or wages shall be made to any officer, agent or employee who shall be in receipt of moneys payable to the city, until he shall have taken and filed with the auditor his affidavit that he has paid into the city treasury all such moneys theretofore by him received or collected The council may, in its discretion, provide for the deposit of city moneys in local banks

Money to meet warrants.

SEC 87 When the running expenses of the city have been placed on a cash basis, and the fact so determined by the council, warrants payable on demand shall not be drawn upon the treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

Uniform accounts and reports

SEC 88. The council shall prescribe a system of accounting for all officers of the city who receive or disburse moneys.

ARTICLE X.

PUBLIC WORK AND SUPPLIES

Form of contracts

SEC 95. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Stockton by

an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive payments on contracts.

SEC. 96. Any contract may provide for progressive payments, if in the ordinance or resolution authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public work to be done by contract.

SEC. 97. In the erection, improvement and repair of all public buildings and works, in all street, bridge, wharf and sewer work, and in all work in or about streams, channels, or water front, or in or about bulkheads, embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of six hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days. Such notice shall distinctly and specifically state the work contemplated to be done, *provided, however*, the council may reject any and all bids, and may readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for lighting.

SEC. 98 No contract for lighting streets, public buildings, places or offices shall be made for a longer period than five years nor for less than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Contracts for water.

SEC. 99. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed those charged to any other consumer.

Hours of labor.

SEC. 100. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with bidder.

SEC. 101. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by bidder.

SEC. 102. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded in any manner with any other bidder or bidders, person or persons, party or parties, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

Personal liability of officers.

SEC. 103. Any officer of the city authorizing, or aiding to authorize, or auditing, or allowing, or paying any claim or demand upon or against the city treasury or any fund of the city, in violation of any of the provisions of this charter, of the general law or of the Constitution of the State, shall be liable in person, and upon his official bond, to the person or persons damaged by such illegal authorization to the extent of his or their loss by reason of the non-payment of his or their claims.

ARTICLE XI.

FRANCHISES.

Property rights of the city inalienable.

SEC 120. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

SEC. 121. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Ordinance in plain terms.

SEC. 122 No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Franchise specify streets.

SEC. 123. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

Franchises to use streets.

SEC. 124. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Application for franchises.

SEC. 125. (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in a daily newspaper of the city. The publication of such advertisement must run for ten successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application.

Conditions of grant.

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city semi-annually during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise; *provided*, that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than three per cent during the second five years, not less than four per cent during the third five years, and not less than five per cent for the rest of the life of the franchise.

Bidding for the franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as guarantee of good faith.

(4) Every application and bid for franchises under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a

guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned

Free competition in bidding.

(5) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in any wise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond.

(6) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise may, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchises.

SEC. 126. The maximum length of time for which a franchise or privilege to use the streets, highways, alleys, lands, or other public places of the city may be granted to any person, firm or corporation shall be twenty-five (25) years

Beginning and completion of work.

SEC. 127. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and diligently prosecuted to completion, and if not so commenced within said time and diligently prosecuted to completion said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than two years from the date of the final passage of the ordinance granting said franchise, and if not so completed and in operation within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months.

Service and accommodation.

SEC. 128. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

SEC. 129 The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of city to assume ownership.

SEC. 130. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair

valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

No conveyance necessary for city's ownership.

SEC 131 Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance

Lease or assignment of franchise.

SEC 132. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city expressed by ordinance, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects

Street sprinkling, cleaning and paving.

SEC. 133. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of company's books. Audit.

SEC. 134. The city of Stockton, by its auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same semi-annually.

Annual reports of company.

SEC. 135. Every person, firm or corporation, operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation within the city of Stockton for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of gross receipts.

SEC. 136. The stipulated percentage of gross receipts shall be paid semi-annually at the time of filing the semi-annual report. Failure to pay such percentage shall work a forfeiture of the franchise The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise

Forfeiture for non-compliance.

SEC. 137 Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

No exclusive use of water front tracks.

SEC. 138. No exclusive franchise, right or privilege shall ever be granted by the city or council in, upon or along the water front; but any franchise, right or permit for a railroad track in, over or along the water front shall be subject to the right of any other railroad or railroads to use the same upon payment of a reasonable compensation.

Franchise not in use forfeited.

SEC. 139. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise. Granting use of streets shall be without prejudice to unused tracks or tracks for which no franchise is extant.

ARTICLE XII.

THE INITIATIVE.

Direct legislation.

SEC. 140. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

Provisions of section six apply.

(2) The provisions of Section 6 of Article II respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Twenty per cent petition.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either.

(*a*) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition, subject to a referendary vote, under the provisions of Article XIII of this charter; or

(*b*) Within thirty days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people

Ten per cent petition.

(4) If the petition be signed by electors equal in number to at least ten, but less than twenty, per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Publication of popular ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (*a*) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (*b*) the council may order such ordinance or proposition to be printed in a daily newspaper of general circulation of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

Election.

(6) The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Several ordinances at one election.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article, provided that no ordinance shall be submitted twice within a year

Limit to special elections.

(8) There shall not be held under this article of the charter more than one special election in any period of six months.

Repeal of popular ordinance

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election, and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly An ordinance proposd by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people

Further regulations.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Section 6 of Article II thereto.

ARTICLE XIII.

THE REFERENDUM.

Time for effect of ordinances.

SEC 145. Except as provided in the following section one hundred and forty-six, no ordinance passed by the council shall go into effect before thirty days after the time of its final passage.

Exceptions to foregoing rule.

SEC 146. The preceding section one hundred and forty-five shall not apply to ordinances making the annual tax levy, ordinances in proceedings under the general laws of the State for street work of improvements or in any case where the procedure must be or is under such laws, nor to an ordinance for the immediate preservation of the public pence, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council, but no ordinance granting a franchise shall be construed as an urgency measure.

Petition, selection, procedure, effect.

SEC 147. If at any time within thirty days from and after the final passage of an ordinance a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, such ordinance shall thereupon be suspended from going into effect or operation, and it shall be the duty of the council to reconsider such ordinance, and if upon such reconsideration the ordnance be not entirely repealed, the council shall submit the ordinance, as provided in Article XII of this charter to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof The provisions of Section 6 of Article II respecting the forms and conditions of the said petition and the mode of verification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Reference of measures to popular vote

SEC. 148. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may be legally submitted at such election If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Further regulations.

SEC. 149 The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Section 6 of Article II thereto.

ARTICLE XIV.

THE PUBLIC SCHOOLS

Powers of city.

SEC. 150. So far as consistent with the Constitution and general laws of the State, the city shall have power to maintain and provide for public schools of any grade within its territorial limits or territory annexed to the city for public school purposes inclusive of the schools belonging to the public school system of the State.

Control of schools.

SEC. 151. The board of education shall have entire control and management of any public schools within the city or within any school district of which the city is or may become a part and is hereby vested with all the powers conferred and with all the duties imposed upon it by this charter or by the general laws of the State upon boards of school trustees generally, so far as applicable to a city board of education, or upon city boards of education generally, so far as applicable to the city.

General powers of board of education.

SEC. 152. The board of education shall have power, subject to the provisions of this charter and of the Constitution and general laws of the State, to make rules for its own guidance and in direction of the officers, teachers and employees of the school department, and to control, manage, maintain and conduct the public schools under its charge in such manner and by such means as in the judgment of said board are for the efficiency and good of the public schools under its charge.

President of board.

SEC. 153. The board of education shall annually select one of its members to be its president. He may be removed by a vote of four members. He shall have no other vote than his vote as member of the board.

City superintendent of schools.

SEC 154. The board of education shall appoint a city superintendent of schools, who shall be the executive officer of the board, who may be required to act as its secretary. The board may define his duties, fix his compensation, and, whenever the laws of the State permit, the term of his office and provisions for his removal therefrom.

Meetings of board.

SEC. 155 The board of education shall provide for regular meetings and may provide for special ones All meetings shall be public. Three members shall constitute a quorum but a less number may adjourn from day to day and compel the attendance of absenting members

Term for teaching.

SEC. 156. The teachers of the public schools shall be subject to annual election, but any teacher who has served for as many as two consecutive years in the city's schools may be elected for a longer period, not exceeding three years, which must be definitely specified in and by the elective action, of which a record must be made in the minutes of the meetings of the board.

Manner of selecting teachers.

SEC. 157. It shall be the duty of the city superintendent of schools to prepare and present to the board at suitable times or upon request of the board a list of such persons as in his judgment are the best available for election as teachers, specifying as to each whether generally or for particular work or station.

Assignment of teachers.

SEC. 158 The city superintendent of schools shall, with the advice and consent of the board, make all assignments of principals and teachers, and all transfers, but this provision shall not prevent the superintendent of schools from making temporary transfers or substitutions.

School warrants.

SEC. 159 Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board, a certificate of such approval shall be endorsed thereon signed by the president of the board and its secretary, and a warrant upon the school fund specifying the matter for which it is drawn, shall be issued thereon for the payment of such claim.

Estimates of expenses

SEC. 160. It shall be the duty of the board of education annually, and oftener when necessary, and at suitable times, and when and in the manner provided by law, to make and to present to the officers and the boards or bodies now or hereafter designated to receive the same, careful estimates of the amount or amounts required for the adequate support and maintenancee of the public schools under the control and management of the board, and in so doing shall not only comply with the requirements of the law but also use all reasonable effort and diligence to make said estimates such in form, substance and particularity as to enable the board or body charged with the taxing power to proceed advisedly in the matter of levying taxes for the support of the public schools under the charge and control of the board of education of the city.

ARTICLE XV.

BOARD OF LIBRARY TRUSTEES.

SEC 165. The public libraries created or existing in this city shall be managed and controlled by a board of library trustees, consisting of five members, to be appointed by the council, each to serve five years from and after the first day of July next after his appointment. One trustee shall be appointed each year, at a regular meeting, in the month of June. Said board of library trustees shall have such powers and duties as now are or hereafter may be prescribed by the statutes of the State of California or by the ordinances of the city of Stockton.

ARTICLE XVI.

MISCELLANEOUS.

When this charter takes effect.

SEC 170 For the purpose of nominating candidates and electing mayor, councilmen and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature; for the purpose of taxation and assessment, it shall take effect on the first Monday in September following, and for all other purposes it shall take effect on the first Monday in January following said first Monday in September.

First election under this charter

SEC. 171. The city council of the city of Stockton in office at the time this charter is approved by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of incumbents in office.

SEC 172. The mayor, the members of the city council, the auditor, the treasurer, assessor and tax collector, and the members of the board of education in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the first Monday in January, as provided in Section 170, and the election and qualification of the mayor, councilmen and school directors, respectively, first elected under this charter, and each public library trustee until his term expires and his successor elected and qualified. The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare, and the powers and duties of their offices continue, so far as consistent with this charter, until by action under this charter it is determined or provided otherwise

Assessment for first fiscal year under this charter.

SEC 173. It shall be the duty of the city assessor in office when this charter takes effect for the purposes of assessment and taxation, as provided in Section 170 aforesaid, to prepare between the first Monday in September, following the approval of this charter by the Legislature and the fifteenth day of December, following, and present to the city clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, proceeding substantially as provided in the charter of which this is the successor

Existing ordinances continued in force.

SEC. 174. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed

Conduct of legal proceedings.

SEC 175 The council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein The city attorney shall attend all meetings of the city council. The city attorney must not be attorney, directly or indirectly, for any public service corporation doing business within or with the city of Stockton.

CERTIFICATE

WHEREAS, The city of Stockton, a city containing a population of more than ten thousand inhabitants, did, on the sixteenth day of May, in the year nineteen hundred and eleven, at a general election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, elect D. J Matthews, Ansel Williams, M. J. Gardner, D. B. Morrill, L H Frankenheimer, J R Koch, W. H. Hobin, Richard Godsil, R W. Bonney, George E. Catts, A. C. Oullahan, C. D Bass, J. W. Kinnear, G. E. Bartholomew and E E. Cramer a board of freeholders to prepare and propose a charter for said city.—

Be it known, that in pursuance of said provision of the Constitution and within

ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Stockton

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this 14th day of August, in the year one thousand nine hundred and eleven

GEORGE E. CATTS, President.
C. D BASS.
R. W. BONNEY.
RICHARD GODSIL.
J. W. KINNEAR.
G. E BARTHOLOMEW.
M. J. GARDNER.
J. R. KOCH.
A. C. OULLAHAN.
ANSEL WILLIAMS.
L. H. FRANKENHEIMER.
W. H. HOBIN
E. E. CRAMER.

Attest · D. J. MATTHEWS, Secretary.

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON.

I, R. R. Reibenstein, mayor of the city of Stockton, State of California, do hereby certify that the board of fifteen freeholders, of whose names fourteen appear signed to the foregoing proposed charter, were, on the 16th day of May, 1911, at a general municipal election held in the city of Stockton on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city, that at the time of said election each of said fifteen freeholders was and for more than five years next prior thereto had been a qualified elector and freeholder in and of said city; that the foregoing is a true copy of said charter prepared and proposed by said board of freeholders, and returned by the same, signed in duplicate by more than a majority, to wit: fourteen of said freeholders, one copy to the mayor of said city, and the other copy to the county recorder of the county of San Joaquin, State of California, and filed in the office of said county recorder, each and both said copies of said charter being so as aforesaid returned to said mayor and said county recorder within ninety days after said election of said freeholders, and as required by Section 8 of Article XI of the Constitution of the State; that thereafter said proposed charter was published in the "Stockton Daily Evening Record" and in "The Mail," each of the same being a daily newspaper of general circulation in said city, for at least twenty days, and the first said publication in each and both said newspapers was made within twenty days after the completion of said charter; that within thirty days after the said publication of said charter as required by Section 8, Article XI of the Constitution of the State, to wit: on the 17th day of October, 1911, said proposed charter was submitted to the qualified electors of said city at a special municipal election therein and for the purpose of ratifying or rejecting the same; that by a majority of the votes of the qualified electors of said city voting at said election and by a majority of the electors of said city voting thereon, the said proposed charter was ratified, and that in all matters and things pertaining to said proposed charter, all provisions of said Section 8 of Article XI of the Constitution and laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Stockton to be affixed this 25th day of November, 1911.

R. R. REIBENSTEIN,
Mayor of the City of Stockton.

Attest: L. F KUHN,
City Clerk of the City of Stockton.
[CORPORATE SEAL OF THE CITY OF STOCKTON]

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein). That said charter of the city of Stockton, as presented to and ratified by the qualified electors of said city be, and the same is hereby, approved as a whole as and for the charter of said city of Stockton.

Assembly Concurrent Resolution No. 2—Approving the charter of the city of Sacramento.

Resolution read.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crouin, Denegri, Farwell, Fitz-

gerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gulll, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—69.

NOES—None

Assembly concurrent resolution ordered transmitted to the Senate

ASSEMBLY CONCURRENT RESOLUTION No 2.

Approving charter of the city of Sacramento, county of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general election therein on the 7th day of November, 1911.

WHEREAS, The city of Sacramento, a municipal corporation of the county of Sacramento State of California, now is, and was at all the times herein mentioned, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants; and

WHEREAS, At a special election duly held in said city on the 27th day of June, 1911, under and in accordance with law, and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected by the qualified electors of said city at said special election, duly called for that purpose, to prepare and propose a charter for said city and the government thereof; and

WHEREAS, Said board of freeholders did, within ninety days after their said election, prepare and propose a charter for said city of Sacramento, and the government thereof, which proposed charter was signed in duplicate by all of the members of said board of freeholders on the 25th day of September, 1911, and thereupon, and on said day, duly returned, one copy to the mayor of the city of Sacramento, and the other copy thereof to the county recorder of said county of Sacramento; and

WHEREAS, The said proposed charter was thereafter duly published in the Sacramento *Star* and in the Sacramento *Union*, they being daily newspapers of general circulation, printed and published in said city of Sacramento, and said publication as aforesaid continuing for a period of twenty days, the first said publication thereof being made within twenty days after the completion of said charter, as aforesaid; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication, submitted to the qualified electors of said city of Sacramento, at a general municipal election held in said city on the 7th day of November, 1911; and

WHEREAS, At the said last mentioned general election, a majority of the qualified electors of said city of Sacramento voting thereon, voted in favor of the ratification of said charter as proposed, as a whole, and ratified the same; and

WHEREAS, The board of trustees of the city of Sacramento duly canvassed the returns of said general election, and found and declared that the majority of the said qualified electors voting thereon at said general election had voted in favor of ratification of said charter, and had ratified the same; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power to alter or amend, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter so ratified was and is in words and figures as follows, to wit

CHARTER OF THE CITY OF SACRAMENTO, PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS, ELECTED JUNE 27, 1911, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER OF THE CITY OF SACRAMENTO

ARTICLE I.

Name, rights, liabilities and boundaries.

SECTION 1 The city of Sacramento, a municipal corporation, shall, after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, City of Sacramento, shall have, possess and exercise all powers and rights vested in said city of Sacramento under this charter and the laws of this State, together with such additional powers as are now, or may hereafter be exercised by or vested in any municipal corporation under the Constitution or laws of this State, or are or may be considered as necessary to or promotive of the welfare, progress or advantage of said city of Sacramento or its inhabitants. It is the intention by and through this charter to confer upon and vest in said city of Sacramento plenary power touching all matters pertaining to the government, progress, advantage and

interests of said city of Sacramento and the health, safety, convenience, advantage, protection, welfare and happiness of its inhabitants, which powers shall only be limited by the Constitution of this nation or State or by this charter. Said city of Sacramento, as the successor in interest of the municipal corporation of that name, created and existing under precedent charters, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed or claimed, including rights of action, revenues, income, records, archives, claims, demands, ways, streets, alleys, levees, canals, public utilities and things in possession or in action, and as such successor of said existing municipal corporation, shall be subject to all debts, obligations, liabilities, dues and duties of said existing corporation, and may in its corporate name, institute, defend and maintain actions and proceedings in any and all courts or tribunals for the recovery of any property, claim or demand, for the protection, enforcement or preservation of any right, interest or thing owned or claimed by said city of Sacramento under this or precedent charters or under any law or contract. Without in any way or to any extent limiting or curtailing powers hereinbefore conferred or mentioned, and for the sole purpose of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, said city of Sacramento shall have power to acquire by purchase, bequest, devise, gift, condemnation, or other manner sanctioned by law, within and without the limits of said city, property of every kind and nature for all purposes, and especially for levees, parks, playgrounds, waterworks, sewers, bridges, ways, sanitary appliances or protection, public utilities, railroads, street railroads, electric and other plants and appliances for light, power and heat, canals, drains, water rights, mains and pipes, and may purchase, condemn, receive by gift, bequest or devise, construct, own, lease, let, operate, hold, establish and equip telephone and telegraph systems, cable, electric or other street railways, waterworks, gas works, electric light, heat and power works, within and without said city, to supply the city and its inhabitants and persons without said city with water, gas and electricity, and to sell gas, water, electric current, light, heat, transportation and all products of any public utility, and to establish, maintain, operate, equip and own, lease and let, ferries, railroads and transportation service of any and every kind.

Boundaries.

SEC. 2. The boundaries of the city of Sacramento shall be as follows. Beginning at the junction of the center of the channel of the American River with the center of the channel of the Sacramento River as it existed on the twenty-sixth day of May, A. D. 1851, and running thence down the center of the channel of the Sacramento River to a point intersected by the center line of the Sutterville road, if extended west to the center of the channel of the Sacramento River; thence easterly to and along said center line of said Sutterville road and said center line produced to the center of the Freeport road; thence northerly along the center line of the Freeport road to its intersection with the center line of Whiskey Hill road, if extended westerly to the center of the Freeport road; thence to and along the center line of said Whiskey Hill road to its intersection with the section line between sections thirteen (13) and twenty-four (24), township eight (8) north, range four (4) east; thence east on said section line to the northeast corner of section twenty-one (21), township eight (8) north, range five (5) east, Mt. Diablo base and meridian, thence north along the section line between sections fifteen (15) and sixteen (16), and between sections nine (9) and ten (10), in said township and range, to the center line of Valley avenue; thence northeasterly along the center line of Valley avenue and along the center line of said Valley avenue, if extended, to the northeasterly line of the base of the city levee; thence northerly and westerly along the northerly line of the base of said levee to the east line of Thirty-first street of the city of Sacramento; thence northerly thereon to the north line of "A" street; thence westerly along the north line of "A" street to the east line of Twenty-second street; thence northerly along the east line of Twenty-second street to the north line of "B" street north; thence westerly along the north line of "B" street north to the center of the bed or channel of the American River as it existed on the twenty-sixth day of May, A. D 1851, thence down the center of the channel of said American River as it existed on the twenty-sixth day of May, 1851, to the place of beginning.

SEC. 3 The boundaries of said city of Sacramento shall continue as now established until changed in some manner authorized by law.

ARTICLE II

OFFICERS AND GOVERNMENT.

Elective officers.

SECTION 4 The elective officers of the said city of Sacramento shall be five city commissioners, who shall be ex officio members of the city board of education. Each of said elective officers shall hold office for the term of five years from and after the first day of July next succeeding his election, subject, however, to recall and removal from office, as hereinafter and by general laws provided, and subject also to classification of the city commissioners after the first election under this charter as in section five provided.

Classification.

SEC. 5 After the election of the first commissioners held under this charter, the respective terms of the city commissioners so elected, shall be determined as follows. The person elected by the highest number of votes cast shall hold office for the term of five years, the person elected by the second highest number of votes shall hold office for four years; the person elected by the third highest number of votes shall hold office for three years, the person elected by the fourth highest number of votes shall hold office for two years; and the person elected by the lowest number of votes shall hold office for one year. In the event that two or more city commissioners shall be elected by the same number of votes, the term of each shall be fixed by lot The length of the term of each shall be longer than that of any commissioner receiving a less number of votes The commissioners elected at the first election shall take precedence over those elected at the second election. If a vacancy occurs in the office of city commissioner, the city commission shall appoint an eligible person to fill such vacancy until the next election at which a commissioner is to be elected. The office shall then be filled by election for the unexpired term

Exercise of power.

SEC 6. The powers vested in said city of Sacramento as a municipal corporation shall be exercised by and through a city commission composed of the city commissioners. The city commission shall establish and enforce rules for its proceedings It shall have power to punish its members for disorderly conduct in its presence. The commission shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpœna, or contemptuous or disorderly conduct in its presence, by a fine or by imprisonment in the city jail, or by both such fine and imprisonment. The city commission shall also have power to settle by the affirmative vote of three members, conflicts arising between two or more commissioners as to their respective rights, powers and duties concerning the subject matter in dispute, and to determine by a like vote all general administrative policies. Each commissioner shall have power to administer oaths and affirmations relating to any business brought before the commission, or under consideration by any committee or department thereof, and to compel the giving of testimony concerning such matter.

Meetings.

SEC. 7. The city commission shall have an office in the city hall, and shall meet in regular session at least twice each week, upon such days and at such hours as it may, by ordinance, designate. Special meetings of the city commission may be held at any time upon the order of the president, or upon the written request of any two commissioners, filed with the city clerk; *provided*, that said order or said request shall set forth the object of the special meeting The city clerk shall give such notice to each commissioner of the time of said special meeting and the subject thereof, as the commission may, in its rules prescribe. At such special meeting no business shall be transacted other than that specified in said notice or said request. Executive sessions of the city commission may be held at any time; *provided*, that no executive session shall be held with any person present other than officers, elected or appointed, or employés of the city. All legislative sessions of the city commission, whether regular or special, shall be open to the public. A majority of the members of the city commission shall constitute a quorum for the transaction of business. A less number may adjourn from time to time and may compel the attendance of absent commissioners.

Organization of city commission.

SEC 8 Said city commission shall annually, at its first meeting in July, elect one of its members as president of the city commission, and one of its members as vice-president If the president should be absent, or for any reason unable to act, the vice-president, during such absence, or inability, shall perform all the duties of the president

Departments

SEC 9. The executive and administrative powers of said city shall be distributed among and assigned to five departments, as follows:

1. Department of public works.
2. Department of streets.
3. Department of public health and safety.
4. Department of education.
5. Department of finance.

Each of the members of the city commission shall, by majority vote of said city commission, be assigned to one of the departments, over which he shall have special oversight, charge and supervision, subject to the provisions of this charter and the ordinances of the city; *provided, however*, that in the event of the failure or inability of the city commission to make such assignment within five days after organizing, it shall become the duty of the president to assign, and he must assign, one commissioner to each of such departments. The member assigned to each department

shall be designated as the commissioner of such department. Each commissioner, when assigned to a department shall serve as commissioner of that department during his term of office, unless such assignment shall be changed or revoked by the city commission by a four-fifths vote.

The president of the city commission shall have charge of all civic functions, celebrations, receptions and courtesies; he shall, in behalf of the city, execute all contracts of every kind and nature to which the city is a party, and shall perform such other ministerial functions as the city commission may from time to time direct.

The commissioner of public works shall have charge and supervision of the construction and maintenance of all public buildings belonging to or used by the city, except school buildings; of the construction, operation and maintenance of all levees, wharves, docks, slips, quays, water front property and waterworks belonging to or under the control of the city, and of all public utilities or undertakings of every kind and nature owned or operated by the city. He shall also have charge and supervision of all relations between the city and its inhabitants with all persons, firms or corporations furnishing or providing any public service or public utility to the city or the inhabitants thereof, and it shall be his duty to enforce the provisions of all laws, franchises or permits under which any of such persons, firms or corporations furnishing public service or public utilities to the city or its inhabitants are operating, and to compel due observance of all standards of service or other regulations affecting the same prescribed by law or the ordinances of the city.

The commissioner of streets shall have supervision and control of the alteration, opening, care, construction and paving of all ways, streets, boulevards, alleys and sewers belonging to or under the control of the city. He shall also supervise and direct all work done on, in, under or above all streets, alleys and all other public ways of the city in connection with the construction, maintenance, or repair of any and all structures or installations of every kind and nature authorized by law, or by ordinance, to be erected, constructed, installed, laid down, maintained or repaired on, in, under or above any such street, alley or other public way within the city. It shall be his duty to prevent the unlawful use or occupation of, or damage to, any portion of any street, alley or other public way within the city, whether on, in, above or below the surface thereof, and to prosecute all persons unlawfully using, occupying or damaging the same or any part thereof, and to sue in his own name for such damages.

The commissioner of public health and safety shall have supervision over the police department, the fire department, the health department, building inspection, food inspection, hospitals, cemeteries, sumps, pounds, the inspection and cleaning of all sewers and all matters affecting the health and safety of the inhabitants of the city.

The commissioner of education shall have supervision of all parks and playgrounds, subject to the direction of their respective boards of directors, and shall be ex officio president of the said boards. He shall have supervision, under the direction of the board of education, of all school buildings, property and grounds, and of the construction, maintenance and repair thereof. He shall have supervision of the municipal employment office, of all libraries, art galleries, theaters, places of amusement, exhibitions, entertainments, humane and reformatory boards, institutions and societies, and of all matters affecting the intellectual and moral advancement of the city, other than police and sanitary regulations.

The commissioner of finance shall have supervision and control of all financial matters of the city, except as otherwise provided in this charter.

The commission may by ordinance, four members voting therefor, reassign any of the duties and powers above specified, and may in such manner transfer any powers and duties from one department to another. Any duties not herein enumerated may be delegated by the city commission to the commissioner of any of the said departments.

Appointive officers.

SEC. 10. The city commission shall, at its first meeting, or as soon as practicable thereafter, appoint and by ordinance prescribe the duties of the following officers, who shall be known as officers of the first class, and shall hold their offices at the pleasure of the city commission:

1. City attorney.
2. City assessor.
3. City treasurer.
4. City collector.
5. City auditor.
6. City clerk.
7. City engineer.
8. Judge of the police court.
9. Purchasing agent.

Each officer of the first class shall have power, subject to the provisions of Article XV, to appoint such deputies, clerks and other employés as the city commission may by ordinance prescribe.

Appointive officers—Second class.

SEC. 11. The following officers, to be known as officers of the second class, shall be appointed by, and hold office at the pleasure of the city commissioner who has supervision of the department to which such officers are assigned, respectively:

1. City librarian.
2. Superintendent of streets.
3. Health officer.
4. Chief of police.
5. Chief of the fire department.
6. Municipal employment agent.
7. City machinist.
8. City building inspector.
9. City electrician.
10. Chief engineer of the waterworks.

The city commission may, by ordinance, create, consolidate or abolish offices, prescribe the duties thereof and assign each to the proper department, and may, in like manner, create and abolish deputyships for all offices of the first and of the second class. The commissioner of each department may, subject to the provisions of Article XV, employ such subordinates, laborers and other employés as may be necessary to carry on the work under his supervision, and discharge them. In the appointment or employment of all officers and employés of the city, religious and political professions and beliefs shall be totally ignored.

Present officers.

SEC. 12. Until the election or appointment and induction into office of the officers and employés in this charter provided for, the present officers and employés shall, without interruption, continue to perform the duties of their respective offices and employments in the manner and for the compensation provided by the precedent charter or the existing local or general laws.

Restrictions upon officers and employés.

SEC. 13. No salaried officer of the city, elective or appointive, except as in this charter provided, shall hold any salaried office, position or employment in the national, state or county government No person shall be elected or appointed to any office, position or employment, the compensation of which was increased or fixed by the city commission while he was a member thereof, until after the expiration of at least one year from the date when he ceased to be a member of the city commission No officer of the city, whether elective or appointive, nor any clerk, assistant or employé, shall be interested directly or indirectly in any contract or transaction with the city, or with any department, board, officer or employé thereof, nor become surety for the performance of any contract or contracts made with or for the city, upon any bonds given to the city. The violation of the provisions of this section by any such officer, clerk, assistant or employé shall work the forfeiture of such office or employment.

Shall receive no commission or profit.

SEC. 14. No officer, clerk, assistant or employé shall receive any commission, money or thing of value, or derive any profit, benefit or advantage, direct or indirect, from or by reason of any dealings with or services for the city by himself or others, except his lawful compensation as such officer, clerk, assistant or employé.

Salaries.

SEC. 15. The salary of each of the commissioners shall be thirty-six hundred dollars ($3,600) per annum. The city commission shall fix and prescribe, by ordinance, the salaries and wages of all other officers and employés of the city; *provided, however*, the wages of employés in the labor division shall not, in any case, be less than three dollars ($3 00) per working day; *and provided, further*, that no officer or employé of the police or the fire department shall, at any time, receive a less salary than that paid to officers or employés of similar rank in such department at the time of the adoption of this charter. All salaries shall be payable in equal monthly installments, and shall be in full compensation for all duties and services performed by all officers and employés of the city.

Oaths.

SEC. 16. Every officer, elective or appointive, shall, before he enters on the duties of his office, take, subscribe and file with the city clerk, an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of California, and faithfully to perform the duties of the office upon which he shall be about to enter.

Bonds.

SEC. 17. Every officer, elective or appointive, shall, before he enters upon the duties of his office, give a bond to the city of Sacramento in such sum as shall be prescribed by this charter, or by ordinance duly passed by the city commission, and any officer, elective or appointive, required by law or by this charter or by ordinance

to give a bond, shall not be deemed qualified for his office or employment until such bond has been duly approved and filed. All such bonds, excepting those of the commissioners, must be approved by the city commission. Each of the city commissioners shall, before entering upon the duties of his office, give a bond to the city of Sacramento, approved by a judge of the Superior Court of Sacramento County, in the sum of twenty thousand dollars ($20,000). Bonds of other officers or employés of the city of Sacramento shall be fixed by ordinance duly passed by the city commission. All bonds, except that of the city auditor, shall be filed with the city auditor within ten days after the election or appointment of any officer or employé required to give a bond has been legally made or declared. The bond of the city auditor shall be filed with the city treasurer within the time above limited. Bonds of surety, guaranty, indemnity or insurance companies which are organized and empowered by law to give such bonds, may be given subject to the requirements hereinafter contained. No bonds shall be held void because of any defect in form, recital, conditions or substance, nor shall any principal or surety be discharged from liability thereon because of any such defect, but every bond intended as an official bond, or any employé's bond under this section, shall hold and bind the parties to it to the full extent contemplated by the law, charter or ordinance requiring the same. No warrant in favor of any person performing any service for the city who is required to give bonds to the city shall be drawn by the auditor or paid by the treasurer unless the bond of such person shall be approved and filed, as in this section provided, prior to the issuance or payment of any such warrant. No bond or undertaking with a corporation or corporations as surety thereon shall be accepted or approved unless at the time such bond or undertaking is presented for approval there shall be on file in the office of the county clerk of Sacramento County:

First—A copy, duly certified by the proper authority, of the charter or articles of incorporation of such surety company, showing the power of such corporation to become a sole surety on such bond or undertaking.

Second—A copy, duly certified by the proper authority and attested by the seal of the corporation, of the transcript or record of appointment entitling or authorizing the person, or persons, purporting to execute such undertaking or bond for and in behalf of such corporation, to act in the premises; *provided, also*, that the fact of the execution of such bond or undertaking by the agent or attorney in fact of the corporation purporting to become sole surety on such bond or undertaking shall be duly attested and acknowledged before an officer authorized by law to take and certify acknowledgments in this state.

Third—The certificate or copy thereof, duly certified, of the insurance commissioner of the State of California, authorizing and empowering such corporation to do business in the State of California.

Fourth—A certificate issued by such corporation and attested by its secretary, under seal, stating the names and business addresses, if a domestic corporation, of the president, vice-president (or vice-presidents, if there be more than one) and secretary of such corporation, or, if a foreign corporation, the name and business address of the person upon whom service of process is to be made within the State of California. The business addresses herein required shall include the name of the city or town, and the name and number of the street therein where each of such persons may be found during business hours; or, if in an office building, the name and location of the building, and the number of the room occupied by such person.

Attention to duties.

SEC. 18. All persons holding any office or clerical employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure to do so shall be ground for removal. Each city commissioner shall devote six hours daily, except Sundays and holidays, to the service of the city, and such additional time as the needs of the city may require. He shall have an office at the city hall set apart and furnished by the city commission, which shall be open for business from nine o'clock A. M. to five o'clock P. M. of every business day, Saturday afternoons excepted, and he shall keep such daily office hours as the city commission may prescribe, except when prevented by sickness or other good and sufficient cause, or when absent by permission of the city commission. Such office hours shall be posted conspicuously on the office door of the commissioner.

Officers personally liable.

SEC. 19. Any officer guilty of official misconduct or malfeasance in office shall be personally responsible for all damages accruing thereby.

Office to become vacant in certain cases.

SEC. 20. If any officer or employé of the city shall be convicted of felony or malfeasance in office, or be adjudged insane, or absent himself for one month from the city without leave, his office shall immediately become vacant, and the vacancy filled as in this charter provided.

ARTICLE III.

POWERS OF THE CITY AND OF THE CITY COMMISSION.

General powers of the city.

SECTION 21. Without limitation, denial or disparagement of other powers held under the Constitution and laws of the State or granted by this charter, the city of Sacramento shall have the right and power.

SEC. 22. To acquire by purchase, condemnation or otherwise, property of every kind and nature, within or without the city limits, for all purposes, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, sewers, drains, street cleaning and sprinkling plants, street improvement and construction plants, quarries, wharves, docks, waterways, canals, levees, bridges, ways, sanitary appliances, and all other public buildings, places, works and institutions.

Water, light, heat and power.

SEC 23. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works or any other works for the production of a public utility, within or without the city, and to supply the city and its inhabitants and all persons, firms and corporations outside the city with water, gas and electricity, and the product of any other public utility.

Telephone, telegraph and transportation.

SEC. 24. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric, steam or other railways, ferries and transportation service of any kind To construct, equip, maintain, own and operate underground conduits for carrying wires, pipes or other means of conduct for public utilities, whether provided by the city itself, or by individuals or corporations, and to lease the same for the use of individuals or corporations when such use is granted by franchise.

Land for public purposes

SEC. 25 To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose, and to sell, convey and dispose of the same for the common benefit.

Bequests and donations

SEC. 26 To receive bequests, gifts and donations of all kinds of property, in fee simple or in trust, for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Rivers and levees

SEC 27. The city of Sacramento is hereby authorized to adopt, establish, and maintain a system of levees, canals, and drainage, and to construct and maintain the works necessary thereto, and to repair, maintain, construct and control all levees, canals, and other works necessary to the protection of the city. The city commission is hereby declared to be the legal representative and successor of the board of supervisors of the county of Sacramento, and of the board of levee commissioners of the city of Sacramento, in all matters pertaining to the Sacramento drainage canal, and in all matters pertaining to any canals or drains for the drainage of the city, and in all matters pertaining to the levees in the city, and in all matters pertaining to all the levees, canals, and other works which said city has adopted or constructed or shall hereafter adopt or construct as part of its system of levees or drainage; and the city commission shall, in addition to the other powers granted to it, also have power to dredge, or in any other manner deemed expedient to keep clear, the channels of the Sacramento and American rivers adjacent to the city, and to build any dam, boom, weir, jetty, or other works, either in the county of Yolo, the county of Solano or in the county of Sacramento, or in part in any of said counties, as in the opinion of said board may be necessary to keep the channel of the Sacramento River, in front of the city, free and open for navigation of first-class steamboats; and the said city commission may cut or dig any canal, ditch, slough, or outlet in any of said counties, and may use all other means and appliances whatever that may be necessary to keep the Sacramento River navigable in front of the city, to provide proper drainage for the city, and to guard any and all lands within said city from inundation. The purposes for which any and all the

works in this section mentioned are to be constructed are hereby declared public uses, and the city of Sacramento is hereby authorized to proceed at any time, under the provisions of the statutes for that purpose, to condemn for such use any and all property necessary to the construction and maintenance of such works; *provided, however*, no system or plan for any of the work in this section authorized to be performed shall be adopted by said city commission which will cost over twenty thousand dollars ($20,000), unless such plan shall first be submitted to and ratified by a vote of the electors of said city; *and provided, further*, that if any plan is adopted involving the expenditure of more than twenty thousand dollars ($20,000), the money required to carry out such plan shall be raised either by the issuance of bonds or by direct taxation, as the electors, at such election, may determine.

Contracts for drainage work.

SEC. 28 To make contracts with the Federal or the State government or with any department of either thereof, and with any swamp land, levee, reclamation or drainage district now or hereafter existing, or with any person or body, politic or corporate, providing for the construction of any work of reclamation or drainage which, in the judgment of the city commission, will be of advantage to the city of Sacramento in the matter of impounding, storing, carrying away and disposing of the flood waters of the Sacramento and American rivers and their tributaries; *provided, however*, that should the portion of the cost thereof to be defrayed by the city of Sacramento, under the provisions of such proposed contract, exceed the sum of twenty thousand dollars ($20,000), the general plan of such work shall be first submitted to and ratified by a vote of the electors of the city.

Joint ownership of water supply.

SEC. 29. To join with one of more cities incorporated under the Constitution and laws of the State, in order to acquire or develop jointly a source or sources of water supply, light, heat or power, for municipal and domestic purposes, and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor. The city shall also have full power to act independently in the premises

SEC 30. The supply of water for this city for municipal and domestic purposes shall always be owned and controlled as a municipal institution and be administered by the city government, and shall not be sold or leased to any person, firm or corporation, nor shall any franchise for such purpose ever be granted.

POWERS OF THE CITY COMMISSION ENUMERATED.

As the legislative body of the city, the city commission, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

SEC. 31. To provide a corporate seal, with appropriate device, to be affixed to all instruments of writing needing authentication.

Violation of charter and ordinances.

SEC. 32. To prescribe fines, forfeitures and penalties for the violation of any provisions of this charter or of any ordinance.

Nuisances.

SEC. 33. To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance, and to make such expense a lien upon the property whereon such nuisance exists.

Engines and boilers.

SEC. 34. To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in localities where, in the judgment of the city commission, the public safety would be endangered; and to provide for the examination and licensing of all persons engaged in operating the same.

Fire limits.

SEC. 35. To prescribe fire limits and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building regulations.

SEC. 36. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power,

heat, or other purposes, and materials and methods used for piping buildings or other structures for the purpose of supplying the same with water, gas or any process of heating or lighting for which pipes are used, and the manner of so doing; to regulate and prescribe all methods and materials used for the plumbing of all buildings, and to prohibit the construction of buildings and structures which do not conform to such regulations.

Provisions for safety in theatres, halls, etc.

SEC. 37. To regulate the location, number, size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstruction in the hallways, aisles, or open places therein.

Provisions relating to streets and water front.

SEC. 38. To fix, alter and change the route of any railroad in the city, and to regulate the speed of railroad trains, engines and cars passing through the city, and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen or to place gates or viaducts at street crossings, as the city commission may deem proper; to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city, and prohibit cars standing on any street, and to prohibit the making of any flying switch upon or across any street, alley or other public place within the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city; to build, alter, improve, keep in repair and control the water front, to erect, construct, regulate and repair wharves, and to fix the rate of wharfage and transit levee dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berth landing, stationing, and removing of steamboats, motor boats, sail vessels, barges, rafts, and all other water craft, to fix the rate of speed at which steam or motor boats may run along the water front of the city; and to prescribe penalties for the violation of such regulations.

Improper use of streets.

SEC 39. To regulate street speaking or gatherings; to regulate or prohibit the exhibition or carrying of placards, banners, or advertisements on cars or other vehicles, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prohibit the flying of banners, flags, or signs across the street or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and sidewalks, and to require their removal.

Weeds and rubbish on sidewalks.

SEC. 40. To compel the owner or occupant of any building or grounds to remove dirt, rubbish and weeds from such building or grounds and from the sidewalks adjacent thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such building or grounds.

Billboards and signs.

SEC. 41. To regulate, license or prohibit the construction and use of billboards and signs on public or private property.

Preservation of health

SEC. 42. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction or spreading of infectious, communicable or contagious diseases into or through the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into or spread throughout the city of persons, baggage, merchandise or other property infected with any contagious or communicable disease.

Dangerous and offensive occupations—Disagreeable noises.

SEC. 43. To regulate or exclude the landing and storage of explosives and combustibles; to regulate the maintenance of chemical works, slaughterhouses, wash houses, laundries, stables, tanneries, glue factories, garages, planing mills, foundries, boiler shops, undertaking establishments, and business of every description that may endanger the public safety, health or comfort, and to restrict the conduct thereof to such fixed limits as may seem proper, or to exclude such works and business from the city; to make regulations for the suppression of disagreeable or offensive noises, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

Inspection of food products.

SEC 44. To provide for and regulate the inspection of all things used for food or drink or for human consumption, stored, manufactured, sold, given away, or exchanged in the city and to provide for taking and summarily destroying any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

SEC. 45. To provide for the inspection and regulation of all dairies and slaughter-houses within or without the city that offer for sale or sell any of their products in the city.

Hotels, lodging houses, tenement and apartment houses.

SEC. 46. To regulate hotels, lodging houses, tenement and apartment houses and to prevent the overcrowding of the same, and to require that they be put and be kept in proper sanitary condition.

Sewer construction, etc.

SEC. 47. To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done.

Chimneys.

SEC. 48. To provide for the cleaning of chimneys and to designate the time and manner in which the work shall be done.

Licensing business.

SEC 49. To license for purpose of regulation only, all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of license upon the same and to provide for the collection thereof by suit or otherwise, and prescribe penalties for violation of such ordinances; to license, tax, regulate, prohibit, or suppress, all tippling houses, dram shops, saloons, bars, barrooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths and sheds.

Weights and measures.

SEC. 50. To provide for the inspection and sealing of all weights and measures used in the city; to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed, and to provide for the summary seizure and destruction of all false weights and measures found in use within the city.

Public shows, gambling.

SEC. 51. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements, to prevent and prohibit all descriptions of gambling and all fraudulent or gambling devices and practices, all playing of cards, dice or other games of chance for the purposes of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money or anything is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, games or other exhibitions, and to authorize the destruction of all instruments used for the purpose of gambling.

Public order and decency.

SEC. 52. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Erroneously collected taxes.

SEC. 53. To order the repaying by the treasurer of any taxes, percentages, costs, or other moneys erroneously or illegally collected.

Fees.

SEC 54. To fix the fees and charges for all official services not otherwise provided for in this charter.

Lease of lands owned by the city.

SEC. 55. To provide for the leasing of any lands now or hereafter owned by the city for a term not exceeding five years; but all leases shall be granted at public auction to the highest responsible bidder, after publication of notice thereof for at least one week stating explicitly the term and conditions of the proposed lease; *provided*, that the city commission may, in its discretion, reject any and all bids.

Purchase of property under execution.

SEC. 56 To provide for the purchase of property levied upon or sold under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment, interest, if any, and costs.

Sale of useless personal property.

SEC. 57. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Control of streets.

SEC. 58. To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city, or the extension of any such street, lane or alley to the Sacramento River or the American River, and to condemn and acquire any and all property necessary or convenient for that purpose. Whenever the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity therewith.

Boulevards.

SEC. 59. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, and to regulate or prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted by the city commission upon such boulevard, and no railroad track of any kind shall ever be laid thereon except to cross the same, unless a franchise therefor shall have been duly granted by vote of the people.

Regulation of public utility rates.

SEC. 60. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of heat, light, power or telephone service, or other public utility supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation of street railroads.

SEC. 61. To regulate street and suburban railroads, their tracks and cars the issuance and exchange of transfers, and to fix the rates of fares and charges thereon, and to compel the owners of two or more railroads using the same street, to use the same tracks and equitably to divide between them the cost of construction and the cost of maintenance thereof.

Railroads to keep streets in repair.

SEC. 62. To require every railroad company owning or occupying tracks upon any public street or highway to keep clean and in good repair such street or highway between its tracks and for a distance of two feet upon the outer sides of the tracks owned or occupied by the company.

Spur tracks.

SEC. 63 To permit for compensation the laying down of spur or sidetracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad that may be built along the water front or with any other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the city commission; such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the city commission.

Regulation of poles and wires.

SEC. 64. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and location of pipes.

SEC. 65. To regulate the size and location of all pipes, tunnels and conduits laid or constructed under the streets and public places, and to require the filing of charts and maps of such pipes, tunnels and conduits.

Municipal ownership.

SEC. 66. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Public entertainments.

SEC 67. To appropriate and spend money from the funds of the city for any or all of the following purposes Reception and entertainment of public guests, assistance of public celebrations held by the city at large, to aid or carry on the work of inducing immigration to the city, to exhibit manufactured and other products of the

city and generally, for the purpose of advertising the city; *provided, however*, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of two (2) cents on each one hundred ($100) dollars of the assessed value of property within the city.

Additional powers.

SEC. 68. To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out and exercise the powers vested in said city, except as herein otherwise provided.

Continuing ordinances in force.

SEC. 69. All lawful ordinances, resolutions and regulations in force at the time this charter takes effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

ARTICLE IV.

ORDINANCES AND RESOLUTIONS.

Ayes and noes.

SECTION 70. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the city commission.

Majority vote of commission.

SEC. 71. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the city commission.

Subject and title.

SEC. 72. Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting clause of ordinances.

SEC. 73. The enacting clause of all ordinances passed by the city commission shall be in these words: "Be it ordained by the City Commission of the City of Sacramento, as follows:".

Reconsideration.

SEC. 74. When any ordinance is put upon its final passage, and notice is given of a motion to reconsider, the vote upon such motion must be taken at a meeting of the city commission held not later than one week after the meeting at which notice of such motion was given.

Signing and attesting.

SEC. 75. All ordinances shall be signed by the president and attested by the city clerk, and, unless postponed by the filing of a referendum petition or the terms of the ordinance itself, the same shall take effect thirty days after passage.

Revision and amendment.

SEC. 76. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reënacted, or the section or sections thereof to be amended, or the section or sections to be added thereto, shall be set forth as revised or amended, and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

SEC. 77. No ordinance nor any part or portion thereof shall be repealed, except by ordinance adopted in the manner provided in this section.

Publication of charter and ordinances.

SEC. 78. The city commission during the first year after its organization under this charter, and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and to be published in book form, together with or separately from the charter of the city and such provisions of the Constitution and laws of the State as the commisison may deem expedient. Such book shall be prima facie evidence of the validity and contents of such ordinances.

Record of city ordinances.

SEC. 79. A true and correct copy of all ordinances shall be kept by the city clerk in a book marked "City Ordinances." A copy of any such ordinance, certified by the city clerk under the seal of the city, shall be prima facie evidence of the contents of such ordinance, and of the due passage and publication of the same, and

shall be admissible as such in any court or proceeding. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

SEC. 80. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the city commission, or unless in case of emergency, so declared by a unanimous vote of the remaining commissioners.

ARTICLE V.

OFFICERS AND EMPLOYÉS.

SECTION 81. Except as otherwise specified in this charter, the qualifications of officers and employés of the city shall be as follows. Each elective officer must be a citizen of the United States and of the State of California, and must have been a resident of the city of Sacramento for at least three years next preceding the date of his election. Residence within the limits of any territory which has been or may hereafter become annexed to the city of Sacramento shall, after any such annexation has been accomplished, be deemed and construed to have been within the city. Appointive officers of the first and of the second class, members of the park, playground and civil service boards, subordinate officers and municipal employés, except employés in the unskilled labor division, must be citizens of the United States; *provided, however*, that each member of the police or fire department, shall be a citizen of the United States, of good repute for honesty and sobriety, able to read and write the English language, and, except the chief of either of such departments, shall have been a resident of the city of Sacramento for at least one year next preceding his appointment, *and further provided*, that in appointments to positions, temporary or permanent, in the unskilled labor division, citizens of the United States shall be employed in preference to aliens, and married men and men of family in preference to single men, although the civil service board may, in time of public emergency, suspend this proviso governing the employment of unskilled laborers.

Special qualifications and duties of certain officers.

SEC. 82 In addition to the foregoing general qualifications, the following appointive officers of the first and second classes must possess the special qualifications and perform the duties hereinafter set forth.

City attorney.

(1) The city attorney must be an attorney at law, duly licensed to practice as such in all of the courts of this State, and must have been so licensed and engaged in the practice of his profession for at least five years next preceding the date of his appointment. All deputies and assistants of the city attorney must possess the foregoing qualifications. The city attorney shall perform such duties as are imposed upon him by law, by the provisions of this charter or by the direction of the city commission. He shall keep on file in his office all written opinions given by him to any officer, board or department, all briefs and transcripts used in causes in which he appears in behalf of the city, and bound books of record and registry of all actions or proceedings under his charge in which the city is interested, all of which shall be the property of the city. He shall deliver all books, records, reports, documents, papers, statutes, law books and property of every description in his possession belonging to his office, or to the city, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

Judge of the police court.

(2) The judge of the police court must possess the same qualifications prescribed for the city attorney and must deliver to his successor in office all books, records, reports, documents, papers, statutes, law books, dockets and property of every description in his possession belonging to the city. He shall take duplicate receipts therefor, one of which he shall file with the auditor.

City engineer.

(3) The city engineer shall be a civil engineer of not less than five years' practical experience as such. He shall possess the same power in the city in making surveys, plats and certificates as is given by law to city engineers and county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of city engineers or county surveyors. He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof, and shall turn the same over to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the auditor. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city.

City treasurer.

SEC. 83. It shall be the duty of the city treasurer to receive and safely keep all moneys that shall come to the city by taxation or otherwise, and to pay out the same on demands audited in the manner provided by law. He shall perform such other duties as may be prescribed by this charter, by general law, or by the city commission. Subject to the provisions of Section 16½ of Article XI of the Constitution of this State, and upon such conditions and in such manner as may be prescribed by law, or by the ordinances of the city, he may deposit the moneys in his custody in any national bank or banks doing a banking business in this State, or in any bank or banks organized under the laws of this State, and shall disburse the same, when so deposited, in the manner provided by the city commission by ordinance.

Purchasing agent.

SEC. 84. It shall be the duty of the purchasing agent, subject to the direction of the city commission, and to the provisions of Article VI hereof, to purchase all materials and supplies to be used by the city or in any department thereof. He shall acquaint himself with the needs and requirements of the city and shall procure and retain samples of all materials, fabrics and supplies of every kind necessary for its use. It shall be his duty to take advantage, for the benefit of the city, of all trade and cash discounts and favorable trade conditions that may arise. He shall inspect all purchases upon delivery and must reject any articles which fail to comply with the provisions of the contract as to weight, quantity or quality, and shall not approve any invoice or claim against the city unless the weight, quantity, quality and price of the articles therein enumerated are correctly stated according to the terms of the contract of purchase. He shall keep accurate records of all supplies purchased and of the disposition thereof. He shall have the custody of all supplies and shall deliver the same from time to time upon the written requisition of the officer or department requiring them. It shall be his duty to prevent waste and extravagance and to recommend to the city commission such methods of checking the same as may seem to him most likely to effect such purpose. It shall also be his duty to study market conditions and prices and to advise the city commission concerning the same at all times. He shall give such bond as the city commission may prescribe.

Storekeeper.

He shall, subject to the permission of the city commission, appoint an assistant, to be known as storekeeper, who shall, under the direction of the purchasing agent, perform the duty of receiving, safely keeping, and distributing all supplies and materials purchased for and belonging to the city. It shall be the duty of the storekeeper to inspect all tools, machinery and apparatus of the city in the custody of any officer or department, and to report in duplicate to the commissioner presiding over such department and to the city commission the condition of all such tools, machinery, apparatus and appliances, together with a statement of all shortages and breakages. He shall also have the custody of all tools, machinery and apparatus belonging to the city when not in use by any officer or department thereof. He shall furnish a bond to the city in such sum as the city commission may prescribe.

Auditor.

SEC. 85. The auditor shall, immediately upon taking office, and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies and movable property of every kind and nature whatsoever, in each of the departments, buildings and offices of the city, and thereafter may require of each officer or department head, an inventory of the same, and it shall be punishable by removal from office for any officer, superintendent or department head to neglect or refuse to make such inventory when required by the auditor. The annual balance sheet taken from the city ledger shall exhibit, under classified heads, all assets of the city, including its plant, equipment, material and supplies, cash on hand, investments, loans, and all accounts due and owing, of every character. In like manner such balance sheet shall show, under classified heads, all liabilities of every character.

SEC. 86. The auditor shall keep records and accounts which shall show plainly the financial condition of the municipality at all times. He shall submit to the city commission, on the first Monday of each month, an exhibit of the city's affairs, showing assets and liabilities, and revenues and expenses, in such manner, form and detail as may be prescribed by the city commission. He shall keep accurate accounts with the treasurer, and his records shall show at all times the exact condition of the treasury and of all appropriations and expenditures. He shall keep an official record of all demands audited by him, showing the numbers, dates, amounts, name of claimant, for what purpose and against what appropriation drawn. The auditor's office shall be the depository of all accounts, books, papers, vouchers and documents, pertaining to the debts, revenues and expenditures of the city.

SEC. 87. All claims and demands against the city, except coupons for interest and installments of the principal of outstanding bonds of the city, shall be paid only on demands as hereinafter provided, on forms and blanks to be prescribed by the city auditor, and shall be duly verified.

SEC. 88. Every claim and demand against the city, except as provided in the preceding section, shall be first presented to and approved by the board, commission or officer authorized by this charter to incur the expenditure or liability represented thereby; and the action of such board or commission must be endorsed on such demand, and signed in writing by the president or by two members thereof, and the secretary or clerk thereof; and if such approval be made by an officer he, or his chief deputy, shall endorse the same by his signature in writing. In all cases the date of such approval shall be given.

SEC 89 All demands approved by any board, commission or officer of the city shall be presented to the city auditor, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the city treasury is authorized by law, and out of what fund. If he approve it, he shall endorse the word "Approved," with the name of the fund out of which it is payable, and sign his name thereto, *provided*, that such approval by the city auditor shall be valid only for such amount as shall have been approved by the board, commission or officer approving the same. If, in the judgment of the city auditor, such demand should be allowed only for a less amount than approved by such board, commission or officer, or if he shall disapprove said demand, he shall transmit the same to the city commission, with his objections endorsed thereon.

SEC. 90. The city commission may overrule or sustain the objections of the city auditor to said demand, and its action shall be endorsed thereon, certified by the signatures of the president and city clerk, and the demand shall thereupon be returned to the city auditor If the action of the city commission is to overrule the objections of the city auditor to said demand, he shall make record of the demand as in the case of demands approved by him; if the action of the city commission is to sustain the objections of the city auditor thereon he shall file said demand.

SEC. 91. No demand can be approved by any board or officer, or audited, unless it specify each several item with the date and amount thereof.

SEC. 92. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer, board, commission or body, as required by this charter, or that the objections of the city auditor have been overruled, as herein provided, and this must appear upon the face of the paper representing the demand, otherwise it is not audited.

SEC 93. No demand upon the treasury shall be allowed by the city auditor in favor of any person or officer in any manner indebted to the city without first deducting the amount of such indebtedness; nor to any person or officer having the collection, custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the president of the city commission or the city auditor; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance; *provided*, that auditor be notified in writing of the failure to make such returns or reports, comply with the law, this charter or ordinances of the city, or of the time such officer has been absent, unless the auditor is charged with such knowledge by reason of his official position.

SEC 94. The city auditor must keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the payee thereof, on what account allowed, and out of what funds payable, and it shall be a misdemeanor in office for the city auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with

SEC. 95 Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of bonds of the city, and the interest coupons thereof, in accordance with the Constitution, laws and ordinances authorizing the issuance of said bonds.

SEC 96 All public moneys collected by any officer or employé of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or any other cause or pretense; and the compensation of any officer, employé or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited and paid

SEC. 97. No suit shall be brought on any claim for money against the city, its board of education, or any officer or board or commission of the city, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be

brought against said city, or any board, officer or commission thereof upon any claim or demand which has been in whole approved and audited, as provided herein, *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the city commission, or any board, commission or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

Superintendent of streets.

SEC. 97½. The superintendent of streets shall be a civil engineer of at least five years' practical experience as such, two years of which shall have been devoted to general municipal engineering.

City building inspector.

SEC. 98. The city building inspector shall be appointed by and subject to the direction of the commissioner of public works. He shall perform such duties as the latter may from time to time direct and render such reports as may be required of him. He shall in all proper cases, issue permits for building operations to be carried on within the city, collect the legal fees therefor, and pay the same over to the city treasurer daily.

City electrician.

SEC. 99. The commissioner presiding over the department shall appoint a city electrician, who shall be a practical, qualified electrician or electrical engineer, and such other assistants and subordinates as may be authorized by the city commission. The city electrician shall have general charge and supervision over all municipal electrical matters, and, in particular, shall have charge of the construction and maintenance of the fire and police alarm systems. He shall have charge of the inspection of all the electrical wires and appliances for furnishing light, heat or power in, under, over or upon the streets and buildings of the city, and shall be charged with the duty of enforcing all ordinances, rules, regulations and requirements governing the installation and use of such wires and appliances. It shall be his duty to require the wiring in all buildings or other structures hereafter erected in the city to conform to the rules and regulations prescribed by the board of underwriters having jurisdiction over the territory within which the city is located, and to report in writing to the commissioner forthwith all buildings and other structures which he may discover within the city wherein such wiring does not conform to such rules and regulations, together with such recommendations concerning the same as may to him seem proper.

ARTICLE VI.

PUBLIC WORK AND SUPPLIES.

Contracts, form and execution.

SECTION 100. All contracts shall be approved as to form by the city attorney, and shall be signed in triplicate, one of which copies, with the specifications and drawings, if any, of the work to be done or materials to be furnished, or both as the case may be, shall be filed with the city clerk; one thereof with said specifications and drawings shall be kept in the office of the commissioner of the department under whose supervision the work is to be done; and the other with said specifications and drawings shall be delivered to the contractor.

Requirements for bids.

SEC. 101. All proposals shall be made upon printed forms to be prepared by the city and furnished gratuitously upon application, with a form for the affidavit, hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other bidder. Any bid made without such an affidavit or in violation thereof, and also any contract let thereunder, shall be absolutely void. All bids shall be clearly and distinctly written without erasure or interlineation, and no bid containing any erasure or interlineation shall be received or considered by the city commission. All proposals offered shall be accompanied by a check certified by a responsible bank, payable to the order of the city clerk, for an amount not less than ten per cent of the aggregate of the proposal; and no proposal shall be considered unless accompanied by such check. No person, firm or corporation shall be allowed to make or file or be interested in more than one bid for the same work unless alternative bids be called for. If, on the opening of said bids, more than one bid appear in which the same person, firm or corporation is interested, all such bids shall be rejected, except as above provided. On the day and at the hour specified in said notice inviting sealed proposals, the city commission shall assemble and remain in session for at least one hour, and all bids shall be delivered to the city commission, while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the city commission

shall be considered. Each bid as it is received shall be numbered and marked "Filed" by the city clerk, and authenticated by his signature. At the expiration of the hour stated in the advertisement the city commission shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the city commission by the city clerk. Before adjourning, the city commission shall compare the bids with the record made by the city clerk and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, to which it may adjourn, award the contract to the lowest bidder, except as otherwise in this charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the city clerk on a bulletin board at or near the door of the assembly room of the city commission. The city commission may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting such lowest bid, shall thereupon return to the proper parties the checks accompanying the bids so rejected. If all the bids are rejected, the city commission shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance. The check accompanying the accepted bid shall be held by the city clerk until the contract for doing said work, as hereinafter provided, has been entered into, and the bond accompanying the same, as hereinafter provided, is approved and filed, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city; *provided*, that the procedure upon the part of the city leading to the awarding of such contract has been legal. The city commission shall not have the power to relieve from, or remit such forfeiture.

Penalty for collusion.

SEC. 102. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the city commission may advertise anew for bids for said work or supplies.

Bonds.

SEC. 103. At the same time with the execution of the contract the contractor shall execute to the city and deliver to the auditor a bond in the form named in the notice for proposals, conditioned for the faithful performance of the contract, with sureties to be approved by the city commission, or shall deposit with the auditor a certified check upon some solvent bank for the amount named in said bond. No individual shall be accepted as a surety upon such bond unless he be a taxpayer, paying taxes upon property situate within the city not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the city, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent. The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The city commission may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by the unanimous vote of the city commission. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as herein provided for, the contract shall by that fact be terminated and the city commission shall not thereafter pay or allow him any further compensation for any work done by him under said contract; and the city commission may proceed to complete such contract either by reletting or otherwise, and the contractor and his bondsmen shall be liable to the city for all loss or damage which it may suffer on account of his failure to complete his contract within such time.

Progressive payments on contracts.

SEC. 104. Any contract may provide for progressive payments, if in the ordinance or resolution authorizing or ordering the work permission is given for such contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for, or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the commissioner of the department having supervision of the work.

Public work to be done by contract.

SEC. 105. The erection, improvement and repair of all public buildings and works, all street and sewer work, and all work in or about streams, or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and materials for the same, or for any other use by the city, or the purchase of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars ($500), shall be done by contract and shall be let to the lowest responsible bidder, after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished, *provided, however*, the city commission may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department having supervision of the work or for the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received, the city commission may likewise provide for the work to be done by the department having supervision of the work or the supplies to be purchased in the open market.

Indorsement of auditor on contracts.

SEC. 106. No contracts made, the performance of which is not provided by law or ordinance to be paid for by assessment upon the property benefited, shall be binding or of any force, unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation for and applicable thereto, sufficient to pay the estimated expense of fulfilling such contract, or that adequate provision therefor has been made in the tax levy. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars ($250), unless the same is required by law to be done by contract at public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount, or if adequate provision therefor has been made in the tax levy, and thereafter such sum shall be held and retained to pay expenses incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriations for his department.

Contracts for official advertising.

SEC. 107. Except as in this charter otherwise provided, the city commission shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the city commission shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The city commission shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city of Sacramento which is a newspaper of general circulation, having a bona fide general circulation of at least two thousand (2,000) copies, and which newspaper has been published in said city for two successive years prior to the time of awarding the contract; *provided*, that the city commission may reject any or all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper. Except when otherwise provided in this charter, or by general law, all official publications made by the city shall be made in the official newspaper only. All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this charter, by general law, or by any ordinance of the city to be made in any newspaper, and all such publications for which the city of Sacramento may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letter heads or other documents or printed matter required by the city shall be paid for at a price not exceeding the lowest prevailing business rates therefor. No bill shall be paid by the city for such advertising or printing in excess of the lowest prevailing business rates.

Contracts for lighting.

SEC. 108. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, and every such contract shall contain stipulations providing that, if at any time during the life of the contract any other consumer is given a lower or better rate than the one specified in the contract, the city shall be entitled to the benefit of such lower or better rate. All contracts must be let to the lowest bidder.

Collusion with bidder—effect on officer.

SEC. 109. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at

a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount of different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment under the city of Sacramento.

ARTICLE VII.

PUBLIC HEALTH AND SANITATION.

SECTION 110. There shall be a department of public health and sanitation under the administrative control of the commissioner of public health and safety. Said commissioner and department shall have supervision of all matters pertaining to the sanitary conditions of the city and the health of its inhabitants; and full power is hereby given said commissioner and department to supervise, control and regulate, among other things,

Defective drainage and sewage disposal;

Nuisances of every description;

The care, preparation, manufacture and sale of all articles of food or drink, or anything used for human consumption; and to fix and prescribe quarantine and other regulations framed to prevent the spread of infectious, communicable or contagious diseases dangerous to the public health, including the establishment and maintenance of an isolation hospital, and the removal thereto of any person in the city affected with an infectious, communicable or contagious disease which it shall be impossible so to quarantine and regulate in the dwelling of said person as to safeguard the public health, and including the power, when a case of disease suspected to be infectious, communicable, contagious or dangerous to the public health is reported to the health department, to visit the premises where such case is reported as being and examine the condition of such person; to supervise, control and regulate the relief of the indigent sick and wounded in the city, including the establishment and maintenance of a free dispensary and emergency hospital;

To regulate or prohibit the manner and place of killing and dressing any animal, fowl, bird or fish, not already regulated or prohibited by general law;

And to compel the owners or occupants of property to keep the same free from anything obnoxious, filthy or dangerous to the public health.

SEC. 111. The principal officer and executive of said department shall be a health officer who shall be appointed by the commissioner. He must be a physician, authorized by law to practice medicine in this State, unless at the time of his appointment as health officer he shall be in the service of the United States in his professional capacity He shall have authority, under the commissioner, over all the officers and employés of the department.

SEC. 112. The subordinate officers of the department shall be a city physician, emergency surgeon, city bacteriologist, and such deputies and assistants as the city commissioners shall deem necessary; all of whom shall have the same qualifications as the health officer; also a secretary, who shall be statistician of the department and custodian of the records; a city analyst, who shall be a graduate of a recognized university or of a technical school and of at least five years' practical experience in analytical chemistry; a food and market inspector, who shall be a veterinary surgeon, qualified by law to practice in this State and of at least five years' experience in practice; a plumbing inspector, who shall be a master plumber as defined by the city ordinance, and of at least five years' experience as a master plumber; also a sanitary inspector. The city commission may provide for such other subordinate officers and assistants as may be necessary, but the health officer may himself perform the duties of one or more subordinate officers and may assign to one individual the duties of two or more such officers.

SEC. 113. The health officer, with the approval of the commissioner, shall prescribe rules, regulations and requirements, not in conflict with this charter, the ordinances of the city or with general law, for the conduct of the business of the department, the preservation of public health, and the maintenance of proper sanitary conditions within the city, including such forms and regulations for the government of physicians, undertakers and the administrators of cemeteries as shall be designed to preserve reliable vital and mortality statistics within and pertaining to said city. The commissioner, the health officer or any authorized inspector of the department shall inspect, when called upon by any person, and when in his or their judgment it seems necessary, any and all things offered for sale, or to be given away or given in exchange for use as food or drink, or for human consumption, and shall have the right to enter at any time for the purpose of making such examination or inspection any place or building, where anything for use as food or drink, or for human consumption is stored, manufactured, kept for sale or to be given away or given in exchange; and no person shall be permitted to sell or dispose of anything pronounced by said commissioner or health officer or any authorized inspector of the department to be

unfit for food or drink or for human consumption, but all such articles must be seized and destroyed by said commissioner, health officer or authorized inspector. When the commissioner, the health officer or any authorized inspector of the department shall have inspected any place or building used for the storage, manufacture, sale or giving away or exchanging of anything used for food or drink or human consumption, and shall have found such place or building to be so filthy or unsanitary or the methods or practices therein used so filthy or unsanitary as to endanger the public health, said health officer or inspector shall post at the entrances of said building or place notice of such inspection and finding and shall maintain such notice until the conditions or practices dangerous to the public health shall have been remedied or abated, and shall close such place or building and prevent its use for the storage, manufacture, sale, giving away or exchange of anything for use for food, drink or human consumption, until said place or building shall be put in such condition and so used as no longer to endanger the public health The health officer shall visit periodically all public buildings and schoolhouses in the city and examine the manner in which they are lighted, ventilated and heated, and their sanitary condition, and report his findings thereupon in writing to the commissioner at least quarterly The health officer shall certify to the superintendent of schools the names and addresses of all persons within the city sick of such infectious, communicable or contagious disease, as may be listed by the health department so to be certified.

SEC. 114. The health officer shall see to it that the laws of the State and ordinances of the city relative to public health and sanitation and all rules, regulations, orders and requirements of the health department, are promptly enforced. The commissioner, the health officer and any other regularly appointed employé of the health department shall have the right and power to arrest any person or persons who may violate any of the rules, regulations, orders or requirements of the health department, or any ordinance or general law relating to the maintenance of the public health and the sanitation of the city. It shall be the duty of the commissioner and of the health officer to abate, or cause to be abated, any and all nuisances within the city limits that are offensive to the senses, or that are, or threaten to become, if suffered to continue, detrimental to the public health. All pools of stagnant water, and all collections of filth, garbage, manure or other substances that are, or may become, breeding places or food for mosquitoes, flies, rats, or other disease-carrying insects or animals, are hereby declared to be nuisances within the meaning of this section. Whenever any such nuisance exists within the city limits, the commissioner or health officer shall, upon acquiring knowledge thereof, order the owner or occupant of the premises whereon such nuisance exists, to abate or remove the same within such time as shall be specified in the order. If the owner or occupant of such premises fails, neglects or refuses to obey such order, or if the premises be unoccupied and the owner or his agent can not be found upon reasonable inquiry, the commissioner or health officer shall proceed summarily to abate or remove such nuisance and shall defray the expense thereof out of any moneys in the city treasury available for such purpose. All expenditures so incurred shall be charged against the owner and shall be a lien upon the lot and premises whereupon such nuisance existed It shall be the duty of the commissioner or health officer to forward forthwith to the city attorney a written statement of all such expenditures incurred by him in carrying out the provisions of this section, and it shall be the duty of the city attorney to proceed without delay to foreclose such lien, or otherwise compel the owner of such premises to repay the amount thereof to the city, together with all costs and charges of collection.

SEC. 115. The health officer or a responsible subordinate shall have management and control of the cemeteries owned by the city so far as relates to the sale of lots and burial space, to interments and exhumations and the other business of the cemetery; and shall issue all permits for burials, exhumations and cremations within the city limits or within the cemeteries owned or controlled by the city, and shall exercise over cemeteries without the city such control and supervision as is by general law provided. No interment, cremation or exhumation shall be made in any cemetery owned or controlled by the city or in any cemetery within the city, or in any cemetery within the city's jurisdiction, unless the health officer or responsible subordinate is satisfied of the correctness and reliability of the certificate of death presented for his inspection. The health officer or his responsible subordinate shall keep such records, make such reports and perform such duties in relation to cemeteries and the disposal of the dead as may be required of him by general law, by this charter, by ordinance or by the rules, regulations and requirements of the health department The health officer shall make to the commissioner of public health and safety an annual report, and may at any time be required to make special reports, concerning the health and sanitation of the city, with his observations and recommendations thereupon, together with mortuary and other statistics concerning the department.

SEC. 116. The secretary of the health department shall keep a record of the transactions of the department and of its rules, regulations and requirements, and be the custodian of all records pertaining thereto, including all vital records, or death or cemetery records now belonging to the city. He shall keep in the form prescribed by the health officer complete records of all births and deaths within the city, interments in the city cemeteries or cemeteries in private ownership within the city

limits, or within the city's jurisdiction, and shall keep such other statistics and perform such other duties relating to the health and sanitation of the city as may be required of him.

SEC 117. Every person in the city shall promptly report to the health department every patient whom he shall have sick of an infectious, communicable or contagious disease, dangerous to the public health or a disease which the health department shall have issued official notice is to be reported; and every householder, upon reasonable notice from the department that an occupant of his or her house is suffering from any infectious, communicable or contagious disease dangerous to the public health, shall forthwith adopt such preventive means and regulations as the department shall prescribe. Every person who shall fail to report such case of sickness, as required herein, and every householder or head of family who shall knowingly conceal such case of sickness, and every person who shall so go or conduct himself or allow a minor child to so go or conduct himself upon a street or other public ground while suffering from a disease which the health department has issued official notice is to be reported as infectious, communicable or contagious or dangerous to the public health, as to expose other persons to the danger of contracting the same disease, and every person who shall fail to comply with the rules, regulations and requirements of the health department, shall be subject to such fines and penalties as the city commission may, by ordinance, prescribe. The commissioner of public health and safety and the health officer shall have authority to administer oaths and require the giving of sworn testimony, in matters connected with the health department.

ARTICLE VIII.

WATERWORKS.

SECTION 118. The chief and assistant engineers of the waterworks department must be experienced engineers, with a practical knowledge of condensing engines and hydraulics.

Duties of the chief engineer.

SEC. 119. The chief engineer shall devote his entire time to the duties of the waterworks, and shall not engage in any other occupation or business requiring his personal attention, nor absent himself from the city without first obtaining the written permission of the commissioner of public works and filing the same in the office of the city clerk.

Use of the water.

SEC 120. It shall be the duty of the commissioner of public works to investigate and regulate the use of water and to prevent its waste. He shall formulate a system for an equitable assessment of water charges upon all persons or property using the same, and for the collection by the city collector of the rates so assessed, and shall embody the same in an ordinance to be by him submitted to the city commission for its adoption. He shall also rigidly enforce all penalties that are now prescribed, or may be hereafter prescribed by the city commission, for the violation of the provisions of any ordinance governing the use of water, and prosecute all persons offending against the same.

Reserve fund.

SEC. 121. A sum not exceeding twenty per cent of the gross receipts in the waterworks department shall be charged annually to the expense account for depreciation. The amount thus charged shall be set aside and credited to the waterworks department reserve fund and shall be used only toward the replacement of obsolete and worn-out equipment, or the betterment or extension of the service.

City tapper.

SEC. 122. There shall be a city tapper, who shall, under the control of the chief engineer of the waterworks, have charge of all water mains and pipes, stand pipes, tanks, gates, valves, fire hydrants and taps, and shall supervise the laying, changing or removal of all water mains, putting in of taps, the flushing of hydrants and sewers, and shall perform such other duties as may, from time to time, be prescribed by the commissioner of public works or the chief engineer of the waterworks department. He shall keep a correct record of all alterations or additions made to the mains and pipes, gates, valves, taps and hydrants, and of all labor performed under his direction; he shall make a written report covering the same to the chief engineer of the waterworks department on or before the fifth day of each month, together with such recommendations as to him may seem to be in the interest of the public service. He shall be charged with and account for all tools and materials supplied to his department He shall make up the monthly pay roll of his department, certify to the same, and present it to the commissioner of public works, who shall verify the same before passing it on to the city commission for approval. All assistants and other employés of the city tapper shall be under his immediate supervision and control and shall perform such duties as he may assign to them.

Block book.

SEC. 123. It shall be the duty of the city tapper to cause to be made, in duplicate, block books containing a complete and comprehensive map or plat of the city water pipe system, arranged by blocks, showing the location and size of every main or lateral, pipe, fire hydrant, house tap, air valve, blowoff, and other fixtures and connections. Said block book shall, at all times, be a faithful and accurate record of all the matters hereinabove provided for, and, from time to time, shall be corrected and amended so as to show all extensions, additions and alterations of the system. One of said books shall be kept at the office of the chief engineer of the waterworks, and the other at the office of the superintendent of streets. Both shall be public records and shall forever remain the property of the city.

ARTICLE IX.

HARBORS AND WHARVES.

SECTION 124. The city commission shall fix and prescribe rules and regulations governing the use of any and all docks, wharves, elevators and warehouses belonging to or under the control of the city, and shall fix the charges or tolls to be collected for such use. There shall be a harbormaster whose duty it shall be to supervise, manage and control the use and occupation of all municipal docks, wharves, elevators and warehouses, and to collect the rates and tolls established by the city commission for such use. He shall keep a detailed record of all receipts and disbursements made by him, showing, under appropriate headings, the nature of each item. All receipts given by the harbormaster for moneys collected by him shall be written in triplicate; one copy thereof shall be delivered to the person from whom such money is received, one copy delivered to the auditor, and one copy retained by the harbormaster. All moneys by him collected shall be deposited with the treasurer daily and the treasurer's duplicate receipt for the same shall be filed with the auditor. The treasurer shall deposit all moneys received from the harbormaster in the city treasury to the account of the appropriate department

SEC. 125. All disbursements for the maintenance, operation or extension of any municipal dock, wharf, elevator or warehouse shall be made under the direction and control of the commissioner of public works and shall be charged by the auditor to the fund or funds from which such moneys may be paid. It shall be the duty of the auditor to render to the city commission, monthly, a detailed report of all moneys received and disbursed in connection with all municipal docks, wharves, elevators and warehouses, which must be published in the official gazette.

SEC. 126. A sum not exceeding twenty per cent of the gross receipts shall be charged annually to the expense account for depreciation. The amount thus charged shall be set aside and credited to a harbor and wharves reserve fund, and shall be used only toward the replacement of obsolete or worn-out equipment, buildings, docks, wharves, elevators or plants, or the construction of new work of this character

ARTICLE X.

FINANCE AND TAXATION.

SECTION 127. The fiscal year of the city shall commence on the first day of January of each year and shall end on the thirty-first day of December next following.

SEC. 128. It shall be the duty of every officer of the city, the conduct of whose office requires the expenditure of money, and of every board or commission having the management or control of any department of the government of the city, to prepare and file with the commissioner of finance, on or before the first day of July of each year, a detailed estimate in writing of the amount of expenditure required for the proper conduct of the business of their respective offices and departments for the next ensuing fiscal year, including a statement of the salaries of their subordinates.

SEC. 129. The city commission shall meet annually prior to fixing the tax levy and, by resolution, shall make a budget of the estimated amounts required for the interest and sinking funds for the bonded indebtedness of the city and for conducting the business of the city for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, officer, board or fund as the city commission may determine. In making such budget the city commission may provide for an emergency fund. After the budget is made in accordance herewith, it shall be signed by the commissioner of finance, attested by the city clerk and signed by the auditor and the several sums thereof shall thereupon be deemed apportioned to the several purposes, departments and offices therein specified for the ensuing fiscal year. Such budget, when so prepared, shall be published in detail in the official gazette.

SEC. 130. Any balance of appropriation remaining unexpended to the credit of any office or department shall, at the close of the fiscal year, be paid into the cash basis fund, until such time as the same shall be sufficiently large to accomplish the purposes for which it is designed; whereupon the city commission shall order all such balances to be paid into the general fund.

SEC. 131. The commission shall meet as a finance committee each week on a day

which must be fixed by ordinance, to pass upon all claims and demands against the city, and each demand approved shall be endorsed "Approved" by the commissioner of finance over his signature, and be registered by the city clerk by entry showing date, name, amount and for what purpose allowed, and passed to the auditor for his approval and registration.

SEC. 132. The commissioner named as the head of each department shall audit all accounts or claims against it. If he be absent or fails to do so, the city commission shall appoint a commissioner to act in his stead, to audit such claims, and accounts. Before payment all accounts shall be approved by the commission. The commission shall publish monthly in the official gazette, a full, clear and complete statement of all taxes and other revenue collected and sums expended during the preceding month. Such statement shall be compiled according to the uniform system prescribed by the United States Census Bureau.

SEC. 133. The city commission shall prescribe a uniform system of accounting for the city and shall employ at the beginning of each fiscal year, a certified public accountant who shall, at least twice each year, without notice, examine the books, records and reports of the auditor and of all officers and employés who receive or disburse city money, and of such other officers and departments as the commission may direct. Reports of such examination, in triplicate, shall be made and one each thereof shall be filed with the city clerk, auditor and city attorney. Any officer, clerk or employé who shall refuse to give all required assistance and information to such accountant, or submit to him for examination such books, papers and records of his office as may be requested, shall forfeit his office.

SEC. 134. The head of each department, and each officer of the first class, shall make a written detailed report to the commission not later than the fifth day of May of each year, showing the operation of each department and office for the preceding year.

TAXATION.

SEC. 135. All property in the city, not exempt, under the laws of the State or of the United States, excepting property used exclusively for public schools, and such as may belong to the United States, to the State of California, to Sacramento County, or to the city, is subject to taxation for municipal purposes. All taxable property must be assessed at its full cash value. Land and improvements thereon must be separately assessed.

(1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes, and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes; and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes, and to that end:

First—All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

Second—All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the city commission.

Third—All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

Fourth—All powers and duties so by law conferred or imposed upon the county tax collector are hereby conferred and imposed upon the city collector.

Fifth—All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the county clerk and county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the State Board of Equalization, or as to school, road or other districts.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate thereto and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The city commission may, by resolution, extend for not exceeding thirty days, the time fixed in this article for the performance of any act.

(4) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any state officer or board.

(5) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the State shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the county recorder of Sacramento County.

(6) The assessment of property within the city of Sacramento, or assessable by the city, made by the city assessor and the State Board of Equalization, shall be the basis of taxation for the city.

(7) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll

Board of equalization.

SEC. 136. The city commission shall meet at its usual place of meeting on the second Monday in July of each year at eleven o'clock in the forenoon of said day, and sit as a board of equalization, for the purpose of equalizing the taxes, and shall continue in session from day to day, until and including the last Monday in July. Said board of equalization shall have power to hear complaints and to correct, modify, strike out, or to lower or raise any assessment, *provided*, that at least one day's notice shall be given to the party whose assessment is to be raised.

SEC. 137. During the session of the city commission, it may direct the assessor to assess any taxable property that has escaped assessment, or to add to the amount, number, or quantity of property, when a false or incomplete list has been rendered, and to make and enter new assessments (at the same time cancelling previous entries) when any assessment made by him is deemed by the commission so incomplete as to render doubtful the collection of the tax. The city clerk must record, in a book kept for that purpose, all changes, corrections and orders made by the city commission, and must enter upon the assessment book all changes and corrections so made, and must, on or before the third Monday in August, deliver the assessment book, so corrected, to the city auditor, unless the city commission shall fix a different time.

Annual estimate of city's requirements and revenue.

SEC. 138. It shall be the duty of the commissioner of finance, from time to time, to make such recommendations to the city commission as he may deem to be for the welfare of the city. On or before the third Monday in August in each year, he shall submit to the city commission an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding and bonded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing, specifically, the amount necessary to be provided for each fund and department. He shall also submit an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SEC. 139. The city commission shall establish a general fund, and may, also, before fixing the annual tax rate, by ordinance, provide for such special and separate appropriations, as may be necessary to pay the several funded obligations of the city, if any, and the expenses of the several departments of the city. Such special funds or appropriations shall not be diverted to any other purposes than those for which they have been specifically created.

Annual tax levy.

SEC. 140. The city commission must, not later than the first Tuesday in September, finally adopt an ordinance, subject to the provisions of this charter, levying upon the assessed valuation of property in the city a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, making suitable allowance for delinquencies, less the amounts estimated to be received from fines, licenses and other sources of revenue. Such levy shall not in any event exceed the rate of one dollar and twenty-five cents on each one hundred dollars of the assessed value of all real and personal property within the city not exempt from taxation by the Constitution, the laws of this State or this charter; *provided*, that the city commission shall have the power to establish, levy and collect an additional tax if two thirds of the votes cast at any election at which the question of levying such additional tax is submitted to the people, shall be in favor thereof. As soon as the tax levy is fixed, as herein provided, the assessment roll of said city shall be delivered to the city auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The roll as corrected shall be the assessment roll for said year, and it shall be certified by the auditor.

Bond taxes, library tax, school tax.

SEC. 141. The city commission shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city, and provide for the establishment and support of free public libraries and reading rooms; and when requested by the board of education the city commission may levy, annually, a tax not to exceed five cents on each one hundred dollars of the assessed value of the real and personal property within the city for the sole purpose of purchasing land for educational uses and for the construction of permanent school buildings or permanent additions thereto. The money collected for school purposes shall be immediately paid into the proper school fund, to be drawn out only on the order of the board of education and only for the purposes for which it was collected.

Tax liens.

SEC. 142. All taxes assessed, together with any penalties or percentages imposed for delinquency and the cost of collection, shall constitute liens on the property assessed. Every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year and may be enforced by actions in any court of competent jurisdiction to foreclose such liens or by a sale of the property affected; *provided*, that where real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case, and in like manner and with like effect, and with like right of redemption, as it may be struck off and sold to the State when offered for sale for State or county taxes, except that no certificate or receipt need be delivered to the State Controller.

SEC. 143 The city collector must, on the second Monday of July each year, attend at the office of the city auditor, with the delinquent list, and the auditor must then carefully compare the list with the assessments of persons and property not marked "Paid" on the assessment book, and when taxes have been paid, must note the fact in the appropriate column in the assessment book. The auditor must then administer to the collector an oath to be written and subscribed on the delinquent list, that every person and all property assessed on the delinquent list, on which taxes have been paid, have been credited in the list with such payment, and that the taxes not marked "Paid" have not been paid, and that the collector has not been able to discover any property of the persons liable to pay the same, out of which to make the collection. The auditor must then foot up the amount of the taxes unpaid, and credit the collector therewith, and have a final settlement with him, and the delinquent list must remain on file in the auditor's office. Interest must be collected on all such delinquent taxes at the rate of one per cent per month from the time delinquent until paid.

SEC. 144 The city assessor, between the first Monday in March and the first Monday in July in each year, must collect the taxes on all personal property, when the owner thereof has no real estate; or when, in his opinion, said taxes are not a lien on real property sufficient to secure the payment, he may enforce such collection by seizure and sale of any personal property owned by the person liable to pay the tax. Such sale must be made at public auction after five days' notice, given by publication in the official gazette, or by posting in three public places in the city, and must be of a sufficient amount to pay the taxes, percentages and costs. For seizing or selling personal property, the assessor may charge, in each case, the sum of three dollars ($3) costs. On payment of the price bid, the delivery of the property, with a bill of sale, vests the title in the purchaser. All excess over the taxes, percentages and costs of the proceeds of any property so sold, must be returned to the owner, and, until claimed, must be deposited in the city treasury for his benefit. The unsold portions of the property seized may be left at the place of sale, at the risk of the owner. The assessor shall be governed, as to the amount of taxes so collected on personal property, by the rate of the previous year. When the rate is fixed for the year in which the collection is made, then, if a sum in excess of the rate has been collected, the excess shall be repaid by the treasurer to the person from whom it was collected, and if a sum less than the rate has been collected, the deficiency must be collected, as are other taxes on personal property.

SEC. 145 The auditor must, as soon as the assessment book for the year comes into his hands, note opposite the names of all persons from whom personal property taxes have been collected, the amount thereof, and as soon as the rate for the year is fixed, he must also note on the assessment book, in connection with the previous entry, the amount of excess or deficiency.

SEC. 146. Omissions, errors, or defects of form in the assessment book, or in the delinquent list, may, with the written consent of the city attorney, be supplied or corrected by the assessor at any time prior to the sale for delinquent taxes. In the assessment, advertisement, and sale for taxes, initial letters, abbreviations, and figures may be made use of, and no assessment or act relating to the assessment or collection of taxes is illegal on account of informality, nor because the same was not completed within the time designated.

SEC. 147. All taxes assessed before this charter takes effect must be collected at the time provided for, and under the laws in force at the time the assessment was made, and all such taxes shall be valid and collectible the same as if this charter had not been adopted.

SEC. 148. Nothing in this charter shall ever be construed as permitting or authorizing any portion of the taxes levied and collected for the respective special funds, which the commission is authorized to establish, to be made use of in payment of any indebtedness of the city existing prior to January 1st, 1888, nor shall the total amount of taxes collected and made use of in any one year, in payment of any indebtedness of the city which existed prior to January 1st, 1888, ever exceed fifty-five cents on each one hundred dollars ($100) upon the assessment book.

Cash basis fund.

SEC. 149. The city commission shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis For this purpose the city commission shall provide that from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half (2½) cents on each one hundred dollars ($100) of the assessed value of all real and personal property in said city shall be placed in such fund until the accumulated amount therein shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year. The city commission shall have the power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the city commission to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Special deposit fund.

SEC. 150 There is hereby created a fund to be known as the special deposit fund, wherein shall be deposited all moneys received by the city or any department, office or board thereof, for the purpose of guaranteeing the payment of any costs, charges or damages accruing, or liable to accrue, to the city from the depositor, or the performance of any act or thing which such depositor may undertake to do or perform, including all moneys deposited as bail to secure the liberation of any person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operations of the depositor. The moneys so deposited may be returned to the depositor, should he become entitled to the return thereof, in such manner as the city commission may by ordinance prescribe, or upon default being made in the payment of any such costs, charges, or damages, or in the performance of any such condition, act or thing, may be declared forfeited, in whole or in part, and be so disposed of as the city commission may direct.

Bonded indebtedness.

SEC 151. The city commission may contract bonded indebtedness, as follows: It shall, by order duly passed, by yeas and nays, recorded in its journal of proceedings, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which it is proposed to issue. The city commission shall then provide for submitting the question of the issue of said bonds to the qualified electors of the city, at a special municipal election to be called by the city commission for that purpose, and it shall be held, as nearly as possible, in conformity with the general laws of this State. Notice shall be given of such election by publication for three weeks next prior thereto, in the official newspaper of the city, in which notice the amount of such bonds proposed to be issued, the term of years they are to run, the object for which the indebtedness is to be created, and the rate of interest to be paid, shall be distinctly stated. The ballots shall be printed: "For the issue of bonds, Yes"; "For the issue of bonds, No." If two thirds of the electors of the city so voting at such election shall vote in favor of issuing bonds, and not otherwise, the city commission may proceed to issue the amount of bonds specified; said bonds to be in sums of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) each, having not more than forty years to run, and bearing interest at a rate per annum not exceeding six per cent, payable semi-annually; said bonds to be payable and redeemable at any time at the pleasure of the city, and substantially in the following form:

No. _____

The city of Sacramento, in the State of California, for value received, promises to pay to _____, or to the order of the treasurer of said city, on the first day of _____ in the year _____, or at any time before that date at the pleasure of the city, the sum of _____ dollars, gold coin of the United States, with interest at the rate of _____ per cent per annum, payable at the office of said treasurer semi-annually, on the first day of _____ and _____ in each year, on presentation and surrender of the interest coupons hereto attached. In witness whereof, the said city, by its city commission, has caused this bond to be signed by

the president of the city commission and attested by the city auditor, with the corporate seal of said city hereto attached, this _____ day of _____ in the year _____

_____,
President of the City Commission.

[Corporate Seal]
Attest:

_____,
City Auditor.

The interest coupons shall be in the form following and signed by the auditor:

No. _____

The treasurer of the city of Sacramento, California, will pay to the holder hereof, on the _____ day of _____ in the year _____, at his office in said city, the sum of _____ dollars, gold coin of the United States, for interest on city bond No. ____

_____,
City Auditor.

SEC. 152. Whenever bonds issued under this charter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the city treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all such bonds delivered to him, and the proceeds thereof The treasurer shall then proceed to sell said bonds at not less than par value, together with any accumulated interest, under direction of the commission, and for the highest prices obtainable; and whenever said bonds, or any portion thereof, are sold, he shall report the fact to the auditor, stating under oath to whom sold, and for what price, and the auditor shall at once apportion the moneys arising from such sale to the proper fund in the treasury, filing a statement of such apportionment with the treasurer The commission shall have the power, and must create and name, the fund or funds of the city into which the money obtained from the sale of bonds shall be paid. And before or at the time of issuing said bonds the commission shall, by ordinance, provide for the levy and collection of a tax, to be levied and collected each year at the same time and in the same manner as other city taxes, sufficient to pay the annual interest upon such bonds issued and outstanding, and not less than such proportionate part of the principal thereof as one year's time bears to the whole term for which such bonds are to run; and in such manner that at or before the date of maturity of the bonds the whole amount collected therefor shall be sufficient to discharge the whole amount of the principal and interest. And the commission must, annually, thereafter levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the commission aforesaid; and the moneys arising from such levies shall be used for the payment of such bonds and interest coupons, and for no other purpose whatever. Whenever the amount in the hands of the treasurer belonging to the bond fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more such bonds, he shall publish, once a week for two weeks, in the official newspaper of the city, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and that if the same are not presented for redemption within thirty days after the first publication of such notice, the interest on such bonds will cease. He shall at the same time deposit in the post office a copy of such notice, enclosed in a sealed envelope, with the postage paid thereon, addressed to the owner or owners, as shown by the record thereof, kept in the treasurer's office. If such bond or bonds be not presented within the time specified in such notice, the interest thereon shall cease, and the amount due be set aside for the payment of the same whenever presented. All redemptions of bonds shall be made according to priority in order of their issuance, beginning at the first number

SEC. 153. The city commission, by a vote of not less than three members thereof, may, whenever it be deemed desirable for the public interest, refund any outstanding bonded indebtedness of the city by the issue of other bonds, in such form and under such conditions as may be prescribed by general laws of the State of California in force at the time of such issue; *provided, however*, that such new bonds shall not bear a greater rate of interest than five per centum per annum.

ARTICLE XI

POLICE DEPARTMENT.

Organization.

SECTION 154 The police department shall consist of a city commissioner, a chief of police, a police force, and all such subordinate officers, clerks, employés and other attachés as the city commission may, from time to time, prescribe. It shall be the duty of the commissioner to appoint, promote, reduce or prefer charges against any member of the department as in Article XX provided Every appointee to the department shall not be less than twenty-one, nor more than thirty-five years of age, must possess the physical qualifications prescribed by the civil service board (which shall not in any case be inferior to those required for recruits of the United States army), and, before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Police department rules.

SEC. 155. It shall be the duty of the city commission to prescribe rules and regulations for the government, discipline, equipment and uniform of the departments, and to prescribe penalties for the violation of any rules or regulations. All such rules and regulations must be reasonable and couched in plain and concise language Such rules and regulations, together with the penalties for the violation of each, shall be printed in the manual published for the guidance and information of the members of the police department. Second or repeated violations of any rule or regulation shall be punished with increasing severity, except as otherwise herein provided.

Chief of police.

SEC. 156. The chief of police shall be appointed by the commissioner presiding over the police department, and shall hold office at the pleasure of the appointing power; *provided, however*, that should a member of the regular police force of the city be appointed chief of police, his dismissal by the commissioner from the office of chief of police shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him prior to his appointment as chief of police. He shall have control, management and direction of all members of the department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to discipline any member of the department in accordance with the provisions of Article XX He shall, subject to the direction of the commissioner, have control and management of the city prison.

SEC. 157. In the enforcement of law and the ordinances of the city, and in the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority, the chief of police shall, in the lawful exercise of his functions, have all the powers that are now or may be hereafter conferred upon sheriffs by the laws of the State.

SEC. 158. He shall be responsible for the execution of all laws and ordinances and the rules and regulations of the department. He shall see that the orders and processes issued by the police court, and such other orders and processes as may be placed in his hands, are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the rules and regulations of the department.

SEC. 159. He shall keep a public office, to be provided by the city commission, which shall be open at all hours, day and night, and at which he or a police officer designated by him shall be in constant attendance. He shall devote his entire time to the discharge of the duties of his office, and shall not, save when on vacation, absent himself from the city except by the written permission of the commissioner in charge of the department, unless in pursuit of persons who have committed public offenses within the limits of the city He may from time to time disburse such sums for contingent expenses of the department as, in his judgment, shall be for the best interest of the city, to be paid out of the contingency fund allowed the department. The aggregate of all such sums shall not in any one fiscal year exceed the amount appropriated to such fund.

SEC. 160 The chief of police shall possess powers of general police inspection, supervision and control over all pawnbrokers, peddlers, junkshop keepers, dealers in second-hand merchandise, auctioneers and intelligence office keepers. In the exercise of such powers, the chief may, in writing, empower members of the police department to examine the books and premises of any such person, when in search of property feloniously obtained or in search of evidence to convict any person charged with crime.

Police officers.

SEC. 161. No member of the police force shall be allowed to receive any money, gratuity or compensation for any service he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, without the consent of the city commission. The members of the police force shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their official duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this charter provided. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city and with all laws of the State defining public offenses and regulating criminal proceedings. The city commission shall, by ordinance, provide for the appointment and compensation of such extra policemen as may, from time to time, become necessary for temporary duty, and may also, by ordinance, provide for the appointment of special policemen, to be paid by the person, firm or corporation petitioning for the same. All extra and special policemen shall possess all the powers and discharge all the duties of regular policemen, and be under the direction and control of the chief of police, and be subject to and obey all rules and regulations of the police department.

ARTICLE XII.

POLICE COURT.

SECTION 162. There is hereby constituted a police court, in and for the city of Sacramento.

SEC. 163. A judge of the police court shall be appointed by the city commission and shall hold office at the pleasure of said commission.

SEC. 164. Said police court shall have jurisdiction:

(1) Of all misdemeanors enumerated by the general laws or by ordinances of the city and of all other crimes cognizable by justices' courts and courts of justices of the peace and police courts under the Constitution and laws of the State of California.

(2) Of all civil proceedings or criminal prosecutions for the violation of any provision of this charter, or of any ordinance of the city.

(3) Of the examination and commitment of persons charged with the commission of any offense that may be prosecuted by indictment or information.

(4) Such other criminal jurisdiction as is, or may hereafter be, conferred by law upon police courts, justices' courts, or justices of the peace; and in the exercise of such jurisdiction, the judge of the police court may punish persons guilty of contempt of court, and may issue warrants of arrest, subpœnas, venires, writs, executions, attachments and all other processes necessary and proper for the discharge of his duties.

(5) In all cases in which the judge of the police court is a party or in which he is interested, or related to either party by consanguinity or affinity within the third degree, and in case of sickness, absence, or inability to act, any justice of the peace of the county of Sacramento may, at the request of the president of the city commission, act in the place and stead of said judge of the police court.

(6) Said police court shall have a clerk, to be designated the clerk of the police court. The clerk shall keep a record of the proceedings and issue all processes ordered by the police court, and receive and daily pay into the city treasury all fines imposed by said court. He shall, each month, render to the auditor an exact and detailed account, in writing, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected, and all other moneys collected on behalf of the city since his last preceding report, which shall be certified to by the judge of the police court. He shall prepare bonds and justify bail when the amount has been fixed by the judge, in cases where the bail does not exceed two hundred dollars ($200), and he may administer oaths. The clerk shall remain at the court room of said court during business hours, and during such reasonable time thereafter as may be necessary for discharging his duties.

(7) The city shall furnish a suitable court room for said judge of the police court, at which he shall remain from nine A. M. to twelve M. and from one P. M. to five P. M.; and the city shall also furnish the necessary dockets and blanks for the use of said court. Said court shall be always open, except upon holidays and nonjudicial days, and also on such days for such purposes as are by law required of other courts of the state on said days.

(8) Said court shall be considered a court of record, and shall have a seal, to be furnished by the city. Certified transcripts of the dockets, files or records, or of any papers, processes, or proceedings of said court, made by the clerk thereof, under seal of said court, shall be received in evidence in any court, and all warrants and processes of said court, and all processes issued, or acts done by said court and certified under its seal, shall have the same force and validity as though issued or done by any other court of record in the State.

(9) The police court shall be governed in its proceedings by the provisions of law regulating proceedings before justices' courts, justices of the peace, and police courts, except so far as the same are added to or modified by this charter; and such police court may be treated and considered as a justice's court whenever necessary to sustain and uphold the jurisdiction thereof, or any proceedings had therein; and all provisions of law relating to justices of the peace and justices' courts are hereby made applicable to said police court, and nothing in the title of the court or of any papers or proceedings therein shall affect the question of jurisdiction; and said court and the said judge shall have all the powers and jurisdiction now or hereafter conferred by law upon justices' courts, police courts, or justices of the peace in criminal cases.

(10) All actions and proceedings pending and undetermined, in the city justice's court of the city of Sacramento, as said court existed prior to the taking effect of this charter, may be proceeded with, heard, tried, and determined in the police court herein provided for, before said police judge, the same as if such actions and proceedings had been originally commenced therein.

ARTICLE XIII.

FIRE DEPARTMENT.

Organization.

SECTION 165. The fire department shall consist of a city commissioner, a chief and such assistants, subordinate officers, firemen, extra men, clerks, employés and other attachés as the city commission may from time to time prescribe.

Qualifications.

SEC. 166. Every appointee to the department shall not be less than twenty-one nor more than thirty-five years of age, and, before his appointment, must pass a satisfactory examination under the rules and regulations prescribed by the civil service board.

Appointments—Duties of the chief of the fire department.

SEC. 167. The chief of the fire department and all assistants, subordinate officers, firemen, extra men, clerks, employés and other attachés shall be appointed by the commissioner having charge of the department, subject to the provisions of Article XV of this charter. The chief of the fire department shall be charged with the special duty of superintending the extinguishment of fires. He shall have such powers and perform such other duties as may be provided for by this charter, or by ordinance. In the absence or disability of the chief of the fire department, an assistant chief shall perform his duties. The chief and assistant chief shall, except as herein provided, devote their entire time to the fire department, and shall not engage in any other occupation or business requiring their personal attention; and neither shall absent himself from the city without first obtaining written permission from the commissioner in charge of the department, which must be filed with the city clerk; but in no case shall both the chief and assistant be absent at the same time; *and it is further provided*, that the engineers and drivers of fire engines, the drivers of hose carts and hook and ladder trucks and tillermen, together with such other members or employés as the chief shall designate, shall, except as herein provided, devote their entire time to the duties of the department, and shall at all times, day and night, remain at the engine houses or stations, except when granted leave of absence by the chief

Sleeping accommodations and offices.

SEC. 168. There shall be provided suitable sleeping rooms in the several engine houses for the use of the permanent members of the department; and there shall be a general office where the chief and assistant chief shall make their headquarters daily during office hours, when not otherwise engaged in official duties.

ARTICLE XIV.

Police and fire relief and pension fund.

SECTION 169. A fund is hereby created to be known and designated as the police and fire relief and pension fund. The commissioner of education, the commissioner of finance, and the commissioner of public health and safety shall constitute a board of trustees of such fund, and the city treasurer shall be custodian thereof.

SEC. 170. The said board of trustees may retire and relieve from service any member of the police or fire department who has passed the age of fifty-five years or who has become infirm or disabled and who, upon examination by two regularly licensed and practicing physicians in the employ of the city, designated by the trustees for that purpose, may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duty. Said board of trustees shall, at the request of any member of the police or fire department who has arrived at the age of sixty years, retire and relieve such member making such application. Such retired member shall receive from the police and fire relief and pension fund a pension equal to one half of the salary attached to the rank held by him one year prior to the date of his retirement. No pension shall be paid under the provisions of this section unless the person claiming the same has been an active member of such department for twenty years in the aggregate preceding his retirement, and, except as hereinafter provided, the same shall cease at his death; *and provided, further*, that no pension shall be allowed any member of the police or fire department if such disability is the result of any unlawful or immoral act committed by such person while in such department.

SEC. 171. Any member of either department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon filing with the board of trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the chief of police, or the chief of the fire department, and by two regularly licensed physicians in the employ of the city, designated by the trustees for that purpose, recommending his retirement upon a pension, on account of such disability, may be retired from such department upon an annual pension, equal to one half the amount of salary attached to the rank which he held one year prior to the date

of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

SEC. 172. The board of trustees, out of the police and fire relief and pension fund, shall provide for the family of an officer, member or employé of either department who may be killed while in the performance of his duty, as follows:

(1) Should the decedent leave a widow, she shall, as long as she remains unmarried, be paid a pension equal to one half of the salary attached to the rank held by the decedent at the time of his death

(2) Should the decedent leave no widow, but leave any child or children under the age of sixteen years, or should he leave a widow who shall die and leave his child or children under the age of sixteen years, such child or children collectively shall receive a pension equal to one half the salary attached to the position held by the father at the time of his death, until the youngest child attains the age of sixteen years; *provided*, that no child shall receive any such pension after attaining the age of sixteen years.

(3) Should the decedent leave no widow or orphan child, or children, but leave a parent or parents, dependent solely upon him for support, such parents so dependent shall, collectively, receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death, during such time as the board of trustees may determine its necessity.

SEC. 173. When a member of either department shall die from causes other than those specified in Section 172 hereof, after ten years of service, and such death shall not be the result of any unlawful or immoral act committed by such person while in such department, then his widow, and if there be no widow, then his children, and if there be no widow nor children, then his mother, if dependent upon him for support, shall be entitled to the sum of one thousand dollars ($1,000).

SEC. 174. Any member of either department, or other beneficiary receiving a pension from the police and fire relief and pension fund, who shall be convicted of a felony, or shall become dissipated or an habitual drunkard, or shall become a nonresident of this State without permission from the board of trustees, shall forfeit all right to such pension.

SEC. 175. The board of trustees may, on notice from the chief of police, or the chief of the fire department, reward any member of such department for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the board of trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of the funds provided by the city commission; and the city commission may, on application of the board of trustees, provide money for such purpose.

SEC. 176. The board of trustees shall hold quarterly meetings in April, July, October and January of each year, and special meetings upon the call of its president; it shall issue warrants, signed by its president and secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the police and fire relief and pension fund. Each warrant shall state for what purpose the payment is made.

SEC. 177. The board of trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payments from the police and fire relief and pension fund, stating the amount of such payment and for what purpose granted; such lists shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the police and fire relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor and ordered paid by him out of said fund.

SEC. 178. The board of trustees shall possess the power to make rules and regulations for its guidance No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board.

SEC. 179. The board of trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, and transmit the same to the commissioner of finance, who shall cause it to be included in his annual estimate of the probable expenditures of the city.

SEC. 180. The treasurer shall retain from the compensation of each member of the police and fire department, two dollars ($2) per month, which shall forthwith be paid into the police and fire relief and pension fund. No other deduction shall be made from such pay for any other fund or purpose.

SEC. 181. Upon the death of any member of either department, during retirement, under the provisions of this article, leaving a widow, provided she was the wife of such member at the time of his retirement, she shall receive from said police and fire relief and pension fund a yearly pension equal to two thirds of the pension received by such member at the time of his death; or if he leaves no widow, and leaves a child, or children, under the age of sixteen years, said amount shall be paid to such child, or children, in equal shares while under the age of sixteen years; *provided, however*, that if such widow, or child, or children shall marry, then such person so marrying shall thereafter receive no further pension from said fund; *and*

provided further, that if such deceased member leaves neither widow, nor child nor children, under the age of sixteen years, but leaves a mother dependent upon him for support, such pension shall be paid to the mother.

SEC 182. Pensions already existing in favor of the members of the police or the fire department shall be continued in force, subject to change under the provisions of this article.

ARTICLE XV.

CIVIL SERVICE BOARD.

Appointment, term, vacancies, qualifications and pay.

SECTION 183. Within sixty days after taking office, the city commissioners first elected shall appoint as members of a civil service board three persons; one to serve for two years, one to serve for four years, and one to serve for six years, from the first day of July next following the approval of this charter by the legislature. In June of each alternate year thereafter, the city commission shall appoint one person as the successor of the member whose term shall next expire, to serve for a term of six years. Vacancies on the civil service board, from whatever cause, shall be filled by the city commission for the unexpired term. Each member shall be paid a salary to be fixed by the city commission and based on the actual number of meetings of the civil service board attended, with a maximum sum per month. No member shall hold any other salaried office

Removal from office.

In cases of misconduct, disability or wilful neglect in the performance of the duties of the office by any member of the board, such member may be removed from office by the city commission by an affirmative vote of four members, but such member of the civil service board shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses, who shall be required to give testimony if such member of the civil service board so requests. In all cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record.

Organization.

The board shall organize by electing one of its members to serve as chairman, and shall also appoint a secretary, to hold office at the pleasure of the board at a salary to be fixed by the city commission. The secretary shall be chief examiner and shall perform such additional duties as may be assigned to him by the board. The board shall keep minutes of its proceedings and records of all examinations held under its supervision. It shall be the duty of the board to make all necessary investigations concerning the enforcement and effect of the provisions of this article and the rules prescribed by the board. It shall make an annual report to the city commission, and the latter may require a special report from the board at any time. The city commission shall provide the civil service board with quarters and equipment suitable to enable it properly to perform its duties

Classified civil service, what constitutes.

SEC. 184. The civil service board shall classify all places of employment now existing or hereafter created in or under the city government, except as otherwise provided in Section 185 of this article. The places so classified by the board shall constitute the classified civil service of the city, and shall be further divided into a competitive division and a labor division, the latter of which shall include all unskilled laborers No appointment to any office or place of employment under the city government shall be made except in accordance with the provisions of this article, unless such office or employment has been specifically exempted therefrom; *provided*, that persons employed by the city at the time of the adoption of this charter by the people and who shall continue to be so employed when this charter takes effect, for general purposes, shall be classified by the civil service board without further examination, and shall retain their positions until discharged, reduced, promoted or transferred, as in this charter provided

Those exempt from civil service rules.

SEC. 185. The provisions of this article shall apply to all persons in the employ of the city, except:

(1) Appointive officers of the first and of the second class, and their chief deputies.

(2) The members of such executive boards and commissions as may be created by the provisions of this charter or by the city commission.

(3) Professionally educated persons and experts employed by the city in their professional capacity

(4) Assistant librarians.

(5) All employés of the school department.

(6) The personal secretaries of the city commissioners, and of such appointive officers of the first and of the second class as may be allotted secretaries by the city commission.

(7) All persons temporarily employed, in times of emergency, to prevent, or repair, damage to the city levee and drainage systems, or any property within the city, threatened, or arising, through flood, fire, or the fury of the elements.

The city commission may, however, by ordinance, create positions, other than those excepted in this section, to which, by permission of the civil service board, the civil service rules shall not apply.

Applications for positions

SEC 186. Applications and recommendations for all positions under the civil service rules, both in the competitive and labor divisions, shall be filed with the civil service board, and not elsewhere

Rules.

SEC. 187. The board shall prescribe and enforce all rules necessary to carry out the purposes of this article, and shall publish the same in the official gazette, together with all amendments thereto or changes therein. Copies thereof shall be supplied to any candidate for examination, upon application. Such rules shall, among other things, provide for:

1 The classification of all positions in the classified civil service.

2. The subjecting of all applicants for places in the competitive division to examinations, which shall be public, competitive and free; such examinations shall be held at least twice a year, at times specified in the rules, and oftener, if necessary, and ten days' advance notice shall be given of any examination, by publication in the official gazette.

3. The appointment to positions, temporary or permanent, in the labor division in the order of the priority of application, after such non-competitive tests as the board may prescribe.

4. The creation of eligible lists on which the names of successful candidates in the competitive division shall be entered in the order of their standing in examination, from which vacancies shall be filled.

5 A period of probation in the police and fire departments, not to exceed six months, before employment is made permanent therein and during which the appointing power may discharge.

6 Promotion on the basis of efficiency, character and seniority, lists being made and promotions made therefrom in the same manner as prescribed for original appointment. An advancement in rank or any increase in salary beyond the limit fixed for the grade by the city commission shall constitute promotion.

7. The rejection of candidates or eligibles for reasons specified in the rules and not inconsistent with the provisions of this charter.

8. Temporary employment without examination, with consent of the board, pending appointment from an eligible list. But no such temporary employment shall continue longer than sixty days, and successive temporary employment shall not be allowed.

9. Transfer from one position to a similar position in the same class and grade, and for reinstatement within one year of persons who, without fault or delinquency on their part, are separated from the service, or reduced.

Civil list.

SEC. 188. The board shall maintain a civil list of all persons in the city service, showing in connection with each name the position held, the date and character of each appointment, and of every subsequent change in status. Each appointing and supervising officer shall promptly transmit to the board all information required for the establishment and maintenance of the civil list, including immediate notice in writing of all appointments, permanent and temporary, made in the classified service, of all transfers, promotions, reductions, resignations, suspensions or vacancies, from any cause, in such service, and the date thereof. When any place of employment is created or abolished or the compensation thereof altered, the power making such change shall immediately report the same in writing to the board.

Civil service board, auditor and treasurer.

SEC 189. The board shall certify to the auditor all appointments to places of employment in the classified civil service, and all vacancies and changes of status occurring therein, and all suspensions with losses of salary. The treasurer shall pay no salary or compensation for service to any person holding a position in the civil service unless the pay roll or account for such salary or compensation shall bear the certificate of the auditor that the person named therein has been appointed or employed in accordance with the provisions of this article.

Certification and appointment of eligibles.

SEC. 190. Whenever a position in the competitive division is to be filled, the board shall certify to the appointing power the names of three times the number of persons necessary to fill such position, which names shall be taken from those standing highest on the eligible list for the place to be filled. A less number may be certified when there is not the requisite number on the eligible list. In all cases of vacancy in the competitive division, the appointing power shall notify the board of each separate

place to be filled and shall fill such place by the appointment of one of the persons certified therefor, the others being restored to their relative places on the eligible list. All persons who have been on the eligible list for a competitive position for one year without appointment, or who have been certified three times without appointment, shall be removed from the list. Whenever a position in the labor division is to be filled, the board shall certify to the appointing power only as many names as there are places to be filled, and the persons certified therefor shall be appointed.

No discrimination.

SEC. 191 No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of his religious beliefs or his political opinions or affiliations.

Prohibition of political activity.

SEC. 192. No person holding a position in the classified civil service shall take any part in political management or affairs, or in political campaigns, further than to cast his vote or to express privately his opinion relative thereto.

Penalty.

SEC. 193. Wilful violation of the provisions of this article or of the rules established thereunder shall constitute cause for dismissal from any position in the civil service of the city.

ARTICLE XVI.

BOARD OF PLAYGROUND DIRECTORS.

Appointments, term, vacancies, qualifications.

SECTION 194. There shall be a board of playground directors, consisting of the commissioner of education and four other persons, not more than two of whom shall be of the same sex, to be appointed by the city commission, as follows: The city commission shall, so soon as may be practicable after taking office, appoint as members of the board of playground directors four persons; one to serve for the term of two years, one to serve for the term of four years, one to serve for the term of six years, and one to serve for the term of eight years, from the first of July next following the approval of this charter by the legislature. In June of each second year thereafter the city commission shall appoint one person for the term of eight years, as the successor of the member whose term shall next expire. Any vacancy in the board of playground directors shall be filled by the city commission for the unexpired term. No member of said board shall hold other office under the city government, nor shall he receive compensation, unless such member be secretary of the board.

Removal from office.

SEC. 195. In case of misconduct, disability, wilful or material neglect in the performance of the duties of the office, by any director, such director may be removed from office by the city commission by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses, who shall be required to give testimony, if such director so request. In such cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record.

Organization.

SEC. 196. The board shall organize as soon as may be practicable after its appointment, by the election from among its members of a vice-president, who shall exercise the functions of the president in his absence or disability, and the election of the secretary, who may or may not be a member of the board. The board shall hold regular public meetings at least once a month at the regular place of business which shall be assigned to it by the city commission, and shall adopt rules and regulations for its government and for the performance of its duties. Three of the five directors shall constitute a quorum to transact business, but no measure shall be passed without the affirmative votes of at least three directors.

General powers.

SEC. 197. Said board shall have control and management of all children's playgrounds now owned or controlled by the city and all children's playgrounds that may hereafter be established or acquired by the city, and such control and management shall extend to and include, among other things:

(1) The power to lay out, equip and have the care, improvement and direction of such children's playgrounds and to designate them by name.

(2) The power to fix and prescribe the duties of all persons employed in any capacity whatever in the service of the board, unless such duties be prescribed by the provisions of this charter, or by law, or by ordinance.

(3) The power to establish rules and regulations for the conduct of its officers and employés, to require bonds from all or any of them, except laborers, in such sums

as it may fix, such bonds to be approved by the city commission and filed with the auditor, in conformity with the provisions of Section 17 of this charter.

(4) The power to establish rules and regulations for the government of aforesaid playgrounds not inconsistent with the general laws, with the ordinances of the city or with this charter.

City commission may set aside lands.

SEC. 198. The city commission shall have the power by ordinance to set aside, either absolutely or for a definite period of time, any lands belonging to the city, for use as children's playgrounds, which shall be under the control and regulation of the board of playground directors, when, and so long as, used for such purpose.

Gifts.

SEC. 199. The board of playground directors may, for and in behalf of the city, receive donations, legacies or bequests for the improvement or maintenance of said playgrounds or for the acquisition or improvement of new playgrounds, upon the trusts and conditions prescribed by the donors thereof. All such property, together with the incomes and profits thereof, shall be under the control of the board, and all moneys derived from such legacies, donations or bequests shall, unless otherwise provided by the terms of any such legacy, donation or bequest, be deposited in the city treasury to the credit of the playground fund. If the moneys received from such donations, legacies or bequests shall at any time exceed the amount necessary for immediate expenditure for the purpose of such donation, legacy or bequest, the city commission may, at the recommendation of the board, invest all or part of the same in interest-bearing bonds in which the funds of the State of California may now or hereafter be lawfully invested.

SEC. 200. In order to maintain the public playgrounds and provide for the purchase, development and equipment of playgrounds and for other expenses authorized by this article, the city commission shall set aside and create a fund to be known as the playground fund, and shall annually appropriate to such fund such amount as may in the judgment of the commission be deemed proper therefor.

SEC. 201. All moneys appropriated by the city commission for playground purposes or received by the board of playground directors from any other source shall be deposited in the city treasury to the credit of the playground fund, and shall be used exclusively for the purposes set forth in this article, and shall be expended upon the order of such officer or officers of the playground board as may, by resolution, be selected by it for the purpose. Copies of such resolution, duly certified, shall be filed with the commissioner of finance and the auditor.

Accounts, records and reports.

SEC. 202. The board shall keep books of account and a record of all city property in its keeping, and a record of all the proceedings of the board, in which shall be recorded the votes of all its members, with the ayes and noes. The board shall, at the end of each month and at the end of each fiscal year, furnish to the city commission a detailed report of receipts and expenditures and a statement of all other business transacted, which shall be published in the official gazette. The board shall make to the city commission annually a report with recommendations, and may at other times make special reports and recommendations, and the city commission may at any time require from it special reports and recommendations.

ARTICLE XVII.

BOARD OF PARK DIRECTORS.

Appointment, vacancies, term, qualifications.

SECTION 203. There shall be a board of park directors, consisting of the commissioner of education and four other persons to be appointed by the city commission as follows: The city commission shall, so soon as may be practicable after taking office, appoint as members of the board of park directors four persons, one to serve for the term of two years, one to serve for the term of four years, one to serve for the term of six years, and one to serve for the term of eight years, from the first day of July next following the approval of this charter by the legislature. In June of each second year thereafter, the city commission shall appoint one person as the successor of the member whose term shall next expire, for the term of eight years. Any vacancy in the office of a member of the board of park directors shall be filled by the city commission for the unexpired term. No member of said board shall hold other office under the city government, nor shall he receive compensation, unless such member be secretary of the board.

Removal from office.

SEC. 204. In case of misconduct, disability or wilful and material neglect in the performance of the duties of the office by any member of the board, such member may be removed from office by the city commission by an affirmative vote of four members, but such member of the board of park directors shall be given an oppor-

tunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses, who shall be required to give testimony if such member of the board of park directors so requests. In such cases the hearing shall be public, and a full and complete statement of the case, together with the findings of fact made by the city commission, shall be filed with the city clerk, and shall be and become a matter of public record. The city commission shall provide suitable accommodations and equipment to enable the board properly to attend to its business.

Organization.

SEC 205. The board shall organize, so soon as may be practicable after appointment, by the election from among its members of a vice-president, who shall perform the duties of the president during his absence or disability, and the election of a secretary, who may or may not be a member of the board. The salary of the secretary shall be fixed by the city commission. The board shall hold regular public meetings at least once a month at the regular place of business which shall be assigned to it by the city commission, and shall adopt rules and regulations for its government, and for the performance of its duties. Three of the five directors shall constitute a quorum to transact business, but no measure shall be passed without the affirmative votes of at least three directors.

General powers.

SEC. 206. Said board shall have control and management of all land and water parks, parkways, squares and public pleasure grounds, and of the landscape of all cemeteries, now owned or controlled by the city of Sacramento, or that may be hereafter established or acquired by said city, excepting properties now or hereafter acquired or set apart for children's playground purposes, and all grounds surrounding public buildings of said city, except school buildings, unless otherwise provided in this charter, and such control and management shall extend to and include among other things:

(1) The power to plan, lay out, regulate traffic in, and have the care and improvement (except as to paving and maintenance of the driveways) of all parks and public pleasure grounds, all boulevards which connect parks (when set aside as such by the city commission), all parkways now, or hereafter, owned or controlled by the city, whether within or without the limits, and to designate them by name; and to employ landscape architects and experts.

(2) The power to fix and prescribe the duties of all persons employed in any capacity whatever in the service of the board, unless such duties be prescribed by the provisions of this charter, or by law, or by ordinance.

(3) To plant and exercise supervision over all shade trees, shrubs and plants of all kinds on or in the streets and public grounds of the city and about the public buildings of the city.

(4) To make and provide for the enforcement of rules and regulations for the use of parks and public pleasure grounds and the highways thereof.

(5) To improve and adorn parks and other public grounds, and do all things necessary or proper to render the parks and public grounds of value to the public.

(6) To lease any property under its control, not needed for immediate improvement or public use, for a term not exceeding three years, and to receive the rent, and place the same in the park fund, to be used for park purposes.

(7) To make rules and regulations for the conduct of its officers and employés and to require bonds from all or any of them, except laborers, which bonds shall be approved by the city commission, and filed with the auditor, in conformity with the provisions of Section 17 of this charter.

(8) To prepare plans and specifications for the erection of all buildings and structures pertaining to park purposes which may be erected on parks or public grounds; *provided*, that the city commission may erect or cause to be erected any municipal building or buildings thereon when not inconsistent with the tenure by which the city holds such grounds.

Leases and restrictions.

SEC. 207. Except as provided in this and the preceding section, nothing in this article shall be construed to authorize the board to lease any part of said parks, squares or public grounds to any person, firm or corporation, or to permit any person, firm or corporation to build or maintain any structure on any part of any park, square or ground, except as follows:

First—The board may lease for the use of the public, for a period not greater than one year, such buildings as may be constructed or acquired for park purposes, to such person, firm or corporation as shall undertake to serve such use.

Second—The board, with the consent of the city commission, given by ordinance, may lease lands under its jurisdiction for the purposes of having the lessee erect buildings and appurtenant structures and conduct the same for the use of the public. Every lease of the character last named shall be made at public auction to the highest responsible bidder, after publication of notice thereof for five days, stating explicitly

the term and conditions of the proposed lease; *provided*, that no such lease shall be for a period of more than five years, and provided that the board may, in its discretion, reject any and all bids. And in every lease the board shall reserve the right to enter at all times upon the premises so leased, and shall make the condition that the building so leased shall be used for public park purposes only. No building shall be constructed by any lessee except it be within the object and purposes for which said parks, squares and grounds were dedicated to or are held by the public.

Purchase or condemnation for park purposes.

SEC. 208. The city commission may acquire lands or other property for park purposes by purchase or condemnation, but such purchase or condemnation shall not be at the expense of the park fund unless the board of park directors shall have requested the city commission, in writing, so to purchase or condemn; *provided*, that any property desired for park purposes in which any member of the park board or of the city commission may be interested shall be acquired by condemnation proceedings only, and the petition for condemnation shall set forth the interest of such member

Gifts.

SEC. 209 The board of park directors may for and on behalf of the city receive donations, legacies and bequests of real or personal property for the improvement or maintenance of existing parks and public pleasure grounds, or for the acquirement of new parks and public pleasure grounds, or for the establishment or maintenance therein of museums, zoological or other gardens, aquariums, observatories, buildings, monuments, statues and other works of art, and of other special features appropriate for parks designed for the pleasure or instruction of the public, upon the trusts and conditions prescribed by the donors thereof. All such property, together with the income and profits thereof, shall be under the control of the board, and all moneys that may be derived from such legacies, donations or bequests shall, unless otherwise provided by the terms of such legacy, donation or bequest, be deposited in the city treasury to the credit of the park fund. If the moneys derived from any such donation, legacy or bequest shall, at any time exceed the amount necessary for immediate expenditure for the purposes of such donation, legacy or bequest, the city commission may, at the recommendation of the board, invest all or part of the same in interest-bearing bonds in which the funds of the State of California may now or hereafter be lawfully invested. No outdoor work of art shall become the property of the city unless such work of art shall be approved by the board, nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the city of Sacramento The term "work of art" as used herein shall apply to and include all statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration.

Annual levy for park purposes.

SEC. 210. In order to maintain the parks and park system and provide for the purchase, development and equipment of parks and other public pleasure grounds, and for the other expenses authorized by this article, the city commission shall set aside and create a fund to be known as the park fund, and shall each year appropriate thereto and levy and cause to be collected a tax of not less than ten cents upon each one hundred dollars ($100) of the value of all the property within the city taxable for municipal purposes.

Disbursement of park funds.

SEC. 211. All taxes levied for park purposes, as provided in this charter, all moneys realized from the sale of park bonds, all moneys appropriated by the city commission for park purposes or received by the park board from any other source, shall be deposited in the city treasury to the credit of the park fund, and shall be appropriated and used exclusively for the purposes set forth in this article. The moneys in such fund shall be expended upon the order of such officer or officers of the park board as may be selected by it for that purpose by resolution; copies of which, duly certified, shall be filed with the commissioner of finance and the auditor

Accounts, records and reports.

SEC 212. The board shall keep books of account and a record of all city property in its keeping, and a record of all proceedings of the board, in which shall be recorded the votes of all its members, with ayes and noes. The board shall, at the end of each month and at the end of each fiscal year, furnish to the city commission a detailed report of receipts and expenditures and a statement of all other business transacted which shall be published in the official gazette. The board shall make to the city commission annually a report with recommendations, and may at other times make special reports and recommendations, and the city commission may at any time require from them special reports or recommendations.

ARTICLE XVIII.

CITY LIBRARY.

SECTION 213. The city library shall be forever free to the inhabitants of the city, and to all such others as this article provides. The city library shall be under the control and management of the commissioner of education, who shall have such powers, duties and privileges as may be conferred upon him by the provisions of this charter and by the provisions of any general laws that may be applicable thereto, and he may do and perform any and all other acts and things necessary and proper to carry out the provisions of this article; *provided*, that the city commission may at any time exercise the power conferred upon it by general law of entering into any arrangement with the county for library service. The commissioner of education shall appoint a librarian, and may remove him for cause.

Powers and duties of the librarian.

SEC. 214. The librarian shall be the administrative officer of the city library, and his conduct of the office shall be subject to the approval of the commissioner of education. He shall have the general management of the library, branches and property, and may establish additional branches. He shall make and enforce such rules and regulations as may be necessary for their administration, government and protection and shall determine what books and other library equipment shall be purchased. He shall have power to extend the use of the library and branches to persons outside of the city, under such rules and regulations as the commissioner of education may approve. He shall have power to loan, borrow from and exchange with other libraries, any books and other library equipment. He shall control and order the expenditure of all library moneys, subject to the approval of the commissioner of education. He shall authorize and approve all claims against the city library; or when incapacitated, shall designate an assistant to perform this duty. At no time shall the indebtedness incurred exceed the amount of money on hand for library purposes at the time the debt is incurred. He shall make requisition upon the purchasing agent for all supplies needed in the library and branches, except books and special library equipment. He shall recommend for appointment and removal all employés of the library, shall have supervision and authority over them, and enforce all rules made for the proper discharge of their duties. He shall grade the employés of the library whose duties require special training, into grades to be established by the librarian, and based on the duties required. Before appointment to a position in the graded service the candidate must pass an examination appropriate to the position sought and satisfactory to the librarian, and show a satisfactory experience in library work. Work in approved library schools or libraries, or a certificate issued by the board of library examiners as provided for by law, may be accepted by the librarian in lieu of such examination. The librarian may recommend for acceptance as apprentices candidates possessing qualifications satisfactory to him, and may recommend the dismissal of the same at any time if in his judgment it is best to do so.

ARTICLE XIX.

E. B. CROCKER ART GALLERY.

SECTION 215. The art gallery presented to the city of Sacramento by Margaret E. Crocker shall always be known as the E. B. Crocker Art Gallery, and shall be held, maintained and conducted by the city of Sacramento, according to the provisions of the deed presenting said art gallery to the city, executed by Margaret E. Crocker, dated May 2d, 1885, and recorded in Book 115, page 298 of Deeds, in the recorder's office of the county of Sacramento, State of California, and the president of the city commission is hereby declared to be the chief executive officer of the city in the sense and for the purpose of the trust created by the above deed; *provided*, that should the terms and conditions of such tenure ever be altered, the city commission shall provide means, financial and administrative, to conduct and maintain the same in accord with such altered tenure.

ARTICLE XX.

SUSPENSIONS AND REMOVALS.

SECTION 216. Except in the police and fire departments, the appointing power shall have authority to suspend without pay for a period not exceeding thirty (30) days, or fine in any amount not exceeding one month's pay, any employé of such department for any violation of the rules of the department or for insubordination or for wilful neglect of duty, and may discharge any such employé. The chief of the fire department and the chief of police may respectively suspend for a like period, or fine in a like amount, and for similar cause, any member or employé of his department; *provided*, that such suspension or fine must be reported in writing to the commissioner in charge of the department within twenty-four hours thereafter, together with a statement of the reasons therefor. In the event that any member or employé of the police or fire department be charged with any offense which, under the rules

of the department, or in the judgment of the commissioner in charge of the department, justifies the expulsion of such member from the service of the city, the commissioner shall prepare, or cause to be prepared, written charges against the accused, which shall be filed with the trial board herein created. Copies of all such charges shall be furnished to the accused, who shall have not less than ten (10) days after such service within which to prepare his defense thereto. The accused may, at the hearing of such charges, be represented by counsel and shall have the right to compel the attendance of such witnesses as he may desire to testify in his behalf.

Trial board.

SEC. 217. There is hereby created, for the purpose of hearing and determining charges made against any member or employé of the police or fire department, except those members of either department who are exempt from the civil service provisions of this charter, a board to be known and designated as the trial board, which shall be composed of the members of the city commission, other than the commissioner preferring the charge, and the president of the civil service board. The president of the civil service board shall serve as president of the trial board, and, in the event of a tie, shall have the deciding vote. The verdict and judgment of the trial board shall be final. If the accused be found guilty, the trial board may dismiss him from the service of the city or inflict such other punishment upon him as in the judgment of the board shall be adequate; *provided, however,* that in the event any employé or member of either the police or the fire department be found guilty of the charge of drunkenness on duty, the trial board must dismiss him from the service of the city; *and provided, further,* that if any member or employé of either of said departments shall be found guilty and shall have been three (3) times previously suspended or fined, the punishment shall be dismissal from the service of the city.

Summary dismissal.

SEC. 218. Any officer, member or employé of either the police or fire department may be summarily dismissed by the unanimous vote of the city commission, for the good of the service.

The superior court to have concurrent jurisdiction.

SEC. 219. Nothing in this article contained shall be construed to limit the jurisdiction of the superior court to hear and to determine any accusation brought against any elected or appointed officer of the city or any member of the police or the fire department under and pursuant to the provisions of sections seven hundred and fifty-eight (758) to seven hundred and seventy-two (772), both inclusive, of the Penal Code of the State of California.

ARTICLE XXI.

VACATIONS AND LEAVE OF ABSENCE.

SECTION 220. All officers and regular employés of the city, after serving at least one year, shall be entitled to two weeks' vacation annually, and shall not be required to work more than six days per week, except in times of emergency. Such vacations shall be had at such times as the executive head of the department in which such officer or employé may be serving shall direct, and shall be without loss of pay. Any member of the police department or of the fire department who becomes incapacitated by reason of injuries received in the performance of his duties shall be entitled to thirty days' sick leave without loss of pay. If such incapacity continues, he shall be entitled to half pay for an additional period of thirty days, and if such incapacity shall further continue, he shall receive such pay, if any, as the city commission shall direct. A member of either department claiming incapacity by reason of such injuries shall present a certificate signed by the health officer, certifying to the fact of such incapacity.

ARTICLE XXII.

BOARD OF EDUCATION.

SECTION 221. The commissioners of the city of Sacramento shall be, ex officio, members of and shall constitute the board of education, and shall hold office for a term of five years from and after the first day of July next succeeding their election; subject, however, to recall and removal from office, as specified herein and by general laws; *provided, further,* that their tenure of office as members of the board of education shall be concurrent with their respective terms as commissioners of said city. The board of education shall have full charge and control of all matters pertaining to the conduct of all public schools within said city, and shall exercise such powers, and perform such duties, with respect thereto as may be conferred or imposed upon them by law or by ordinance of the city. The board shall organize on the first Monday of July after this charter takes effect. It shall elect, from among its members, a president and a vice-president, and during the absence or disability of the president the vice-president shall perform his duties and exercise his functions, except as otherwise in this charter expressly provided. The president shall preside over all meetings thereof and exercise such other powers, and perform such other duties, with respect to the business of the school department of the city as are

conferred or imposed upon the president of the board of education by law or by any ordinance of the city. The board shall make, establish and enforce all necessary and proper rules and regulations for the government and progress of the public schools of the city, for the investigation of charges against any person in the employ of the department, and for carrying into effect all laws and ordinances pertaining to the public schools; and shall adopt and enforce an efficiency system and shall make all rules and regulations necessary to carry the same into effect.

The board shall hold regular meetings at least once in each month and at such times as shall be determined by its rules. Special meetings may be called at any time by the president or by any three members of the board; *provided, however*, that notice of such special meetings shall be personally served upon each member of the board, unless he be absent from the city, not less than twelve hours prior to such meetings. Three members of the board shall constitute a quorum for the transaction of business, but the affirmative vote of three members shall be necessary to pass or adopt any measure or to transact any other business affecting the public schools of the city. The board shall determine the rules of its proceedings; *provided, however*, that the yeas and nays shall be taken on all questions and entered on the records of the board. All meetings of the board shall be open to the public and its records shall be open to public inspection.

SEC. 222 Any member or officer of the board of education, who shall, while in office, unlawfully or corruptly accept any donation or gratuity in money or of any valuable thing, either directly or indirectly, from or in behalf of any teacher or candidate, or applicant for a position as teacher, upon any pretense whatever, shall be guilty of malfeasance Any member of the board of education, officer, or other person connected with the school department, or drawing a salary from the board of education, who shall unlawfully or corruptly gain any advantage or benefit from any contract, payments under which are to be made, in whole or in part, from the public school fund, or from moneys raised by taxation or otherwise for the support of the public schools, shall be guilty of malfeasance

SEC 223 In case of disaster from fire, flood, wind, riot, earthquake, or public enemy, the board of education may incur extraordinary expenditures in excess of the annual limit provided by law and in this charter for the repair, construction, and furnishing of schoolhouses, and the city commission may, by ordinance cause to be transferred to the school fund, from any moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditure

SEC. 224. As soon as may be practicable after organization, the board of education shall elect a superintendent of schools and such other assistants, clerks and employés as may be necessary, prescribe their duties and fix and order paid their compensation.

Term of employment for teachers.

SEC. 225. For the first two years of their service in the school department of the city, teachers shall be subject to annual election. After two years' service, they may be elected for a term of three years. In the event that the board of education shall determine not to reëlect any teacher employed in the public schools of this city, the board must, not later than two months prior to the expiration of the term for which such teacher was employed, serve, or cause to be served, upon such teacher, personally, a notice in writing directed to such teacher and informing such teacher of the intent to dispense with the services of such teacher at the expiration of said term of employment. A record of such service shall be kept in the office of the board of education, showing the date when, the place where, and the person by whom such notice was served. In the event that the board of education shall fail or neglect to serve such notice as hereinabove provided within the time herein limited, such teacher shall be deemed elected for, and shall serve another year in the same position in the school department of the city.

ARTICLE XXIII.

FRANCHISES.

Property rights of the city inalienable.

SECTION 226. The title and rights of the city in and to its water front, wharf property, lands under water, public lands, wharves, docks, streets, highways, levees, drainage system, parks and all other public places and property, except as otherwise provided in this charter, are hereby declared inalienable.

No use of streets without a franchise.

SEC. 227. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article, except as, and in so far as, he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, under or along any street, highway, or other public place in the city, unless under the authority of a grant obtained in accordance with the provisions of this article.

Franchise to use streets.

SEC. 228. Every franchise, permit or privilege to construct, maintain or operate street, suburban, interurban or steam railroads under, upon, over, across or along

any street, highway or other public place, or to lay pipes or conduits, or to erect poles or wires or other structures in, upon, over, across or under any street, highway or other public place in the city, for the transmission of gas, electricity, steam, oil, air or other substance, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Applications for franchise.

SEC. 229. (1) An applicant for a franchise, permit, or privilege to construct, maintain or operate any street or suburban railroad within the city or any part thereof, shall file with the city commission an application therefor, and thereupon the city commission shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten successive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Conditions of grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant; the route to be traversed; that sealed bids therefor will be opened at a stated time and place; and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross receipts to be derived from the use, operation or possession of such franchise, permit or privilege, as hereinafter provided. Such advertisement shall require all bidders for such franchise to offer and agree to pay to the city a stipulated percentage, which shall be stated in the bid, of the gross annual receipts arising from all business to be transacted by such road during the term of such franchise; *provided*, that the minimum percentage to be offered by any bidder shall not be less than two per cent of said gross annual receipts during the first five years, not less than four per cent during the next ten years, and not less than five per cent during the remainder of the term; *and further provided*, that if such franchise, permit or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately upon the taking effect of the new franchise; *and, provided further*, that if such franchise be for the extension of an existing road, the payment of the current percentage of the gross receipts shall begin immediately upon the taking effect of the new franchise. The city commission must, in and by such advertisement, reserve the right to reject any and all bids.

Bidding for the franchise.

(3) At the time of opening the sealed bids, any responsible person may bid for such franchise, permit or privilege, not less than one quarter of one per cent of the gross annual receipts for the entire term of the franchise above the highest sealed bid therefor, and such bid so made may be raised not less than one tenth of one per cent of the gross annual receipts for such entire term by any other responsible bidder. Such bidding may continue until finally such franchise shall be struck off, sold and awarded by the city commission to the person, firm or corporation offering to pay the highest percentage of the gross annual receipts arising from the use, operation or possession of the street or suburban railway authorized by the provisions of such franchise; *provided*, that if, in the judgment of the city commission, no adequate or responsible bid has been made, the city commission may withdraw such franchise from sale or advertise for new bids.

Deposit as guaranty of good faith.

(4) Every application for any such franchise, permit or privilege, and every bid therefor, except that of the applicant, shall be accompanied by a cash deposit of two thousand dollars ($2,000), or a certified check for said amount, payable to the city clerk, as a guaranty of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the advertising and granting of such franchise, permit or privilege. Upon the franchise, permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free competition in bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof

Bond.

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city, to be approved by the city commission, in the penal sum to be prescribed by the city commission and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in case of any breach of the conditions of such bond, the whole amount of the penal sum therein named shall be forfeited to the city. Such bond shall be filed with the city commission within five days after such franchise, permit or privilege is awarded, and within thirty days after the filing and approval of such bond the city commission shall grant such franchise, permit or privilege by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold or awarded But in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside, and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited, and the franchise, permit or privilege shall, in the discretion of the city commission, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of franchise.

SEC 230 The maximum length of time for which a franchise, permit or privilege for any purpose, other than the maintenance and operation of a steam or interurban railroad, may be granted, shall be twenty-five years; *provided, however*, that no exclusive franchise, permit or privilege, shall ever be granted; *and, provided further*, that no such franchise shall ever be granted for a term extending beyond the period fixed by law for the termination of the corporate existence of the grantee, if a corporation; nor shall any such franchise ever be granted which shall have the effect of extending or prolonging any existing franchise beyond the term originally fixed for the expiration thereof in the ordinance granting the same, unless such subsequent franchise be granted in conformity with the provisions of Section 246 hereof Franchises for steam and interurban railroads may be granted for a term not exceeding thirty-five years

Franchises for other purposes.

SEC. 231. It shall be the duty of the city commission, within six months from the date of its organization, to proceed to ascertain, determine and fix the amount of cash rental to be exacted from every person, firm or corporation to whom may be granted any franchise, permit or privilege to lay pipes or conduits, or to dig tunnels, or to erect poles or towers or other structures in, upon, over, across, along or under any street, highway, alley or other public place within the city, to be used for the transportation of any commodity to be supplied to the city or its inhabitants, or for the transmission of electricity, for light, heat, power or other uses, or for the transaction of a telegraph or telephone business, either public or private, or for any other purpose not specifically mentioned in the provisions of this article. Such rentals shall be segregated so as to provide a specific charge for

1 Each mile or fraction thereof of pipes, conduits or tunnels.

2. Each pole, tower or other structure used for the purpose of carrying or sustaining wires.

3 Each mile or fraction thereof of wire maintained by any such grantee within the city. The rentals so ascertained and fixed may be subsequently increased by the city commission at intervals or periods of five (5) years each, in such amounts as the commission may deem necessary and proper at the time of making any such increase.

It shall also be the duty of the city commission, within the same period following its organization, to proceed to ascertain, determine and fix a reasonable and proper rental to be exacted from all steam or interurban railroads to which may be granted any franchise, permit or privilege, authorizing such grantee to lay down, maintain or operate any track or tracks upon, over, along, across or under any street, alley, highway or other public place within the city and used for the transportation of freight or passengers. Such rental shall be ascertained, determined and fixed upon a basis of a charge to be made for each ton of freight transported over each mile or fraction thereof of any track or tracks constructed, maintained, used or operated within the city limits by the grantee of any such franchise, and in ascertaining the aggregate of such tonnage, the weights of locomotives, cars and other rolling stock shall be included.

Application.

SEC. 232 Applicants for franchises which involve the use by the grantee of any portion of any street, highway, alley, or other public place within the city, whether on, above or below the surface thereof, for any purpose other than the construction, maintenance and operation of street and suburban railways, shall not be required to comply with the provisions of Section 229 of this article, but, in lieu thereof, shall proceed as follows:

An application shall be filed with the city commission, wherein there shall be clearly and distinctly stated:

1 The name of the applicant.

2. The purpose for which such franchise is desired and, if for a steam or interurban railroad, the kind of road which it is proposed to construct and the motive power to be used.

3. The precise route to be followed, stating the points between which or at which all streets, highways, alleys or public places (naming them) are to be traversed, intersected or crossed.

4. The location and position of all structures which are to be maintained under such franchise, if granted.

5. The term for which such franchise is desired.

6. The estimated cost of construction of the works authorized by such franchise

7. Such additional information or data as the city commission may prescribe.

Notice of hearing.

SEC. 233. Upon receipt of such application, the city commission shall appoint a time, not less than thirty days from the date of the order fixing the same, for hearing and considering the application, and shall cause notice thereof to be published in ten consecutive issues of the official newspaper of the city immediately preceding the date of the hearing Such notice shall set forth the data mentioned in the preceding section and such additional data or information as the city commission may see fit to include therein The city commission shall also require the superintendent of streets to cause to be conspicuously posted, along the route described in such application, not less than ten days prior to such hearing, copies of such notice, printed and posted in the same manner that notices of street work are required to be printed and posted. Affidavits in proper form showing the facts of such publication and of such posting must be filed with the city clerk prior to the date set for such hearing.

Hearing.

SEC. 234. At the appointed time and place the city commission shall proceed to hear and consider such application and all remonstrances and protests, if any, against the granting of such franchise. If, in the judgment of the city commission, no sufficient reason is shown why such application should not be granted, it may proceed to grant to the applicant a franchise in conformity with the terms of the application, or such modifications thereof as the city commission shall deem to be for the public interest, and upon the terms and conditions of this article applicable thereto. Such grants shall, in every case, be made by ordinance, subject to the referendum provisions of this charter The provisions of Sections 226, 227, and Subdivisions 4 and 6 of Section 229 shall apply to all such franchises

Rental

SEC 235. Before any such franchise can be granted, the applicant therefor must, in a written instrument signed and acknowledged by some officer, agent or other person authorized in law to bind the applicant, offer and agree to pay to the city, as a consideration for the granting of such franchise, and as rent for the use of the streets, highways, alleys and other public places mentioned therein, during the entire period for which such franchise may be granted, the rental fixed and determined by the city commission under the provisions of Section 231 of this article. The stipulated amount of such rental shall be inserted in the ordinance granting such franchise as a condition thereof, and the ordinance shall expressly provide that any failure to pay such rental at the stipulated times, or any concealment or false statement of the amount due shall work a forfeiture of the franchise and of all rights granted thereunder. All payments provided to be made hereunder shall be made quarterly, or oftener if the city commission and the grantee of such franchise so agree.

Reports and payments.

SEC 236 Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this article, by the terms of which such grantee is required to pay to the city a percentage of the gross receipts arising from such business, shall file annually with the city auditor on such date as shall be fixed by the city commission a report for the preceding year. Such report shall be in writing, verified by the affidavit of some officer, agent or other person authorized in law to bind the grantee, and shall contain a statement, in such form and detail as may be prescribed by the city commission, of all gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege during the year immediately preceding such report Such report shall contain such further statements as may be required by the city commission concerning the character and amount of business done under such franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege, for new construction, and for repairs and betterments during the year The stipulated percentage of the gross receipts shall be paid annually at the time of filing the annual statement. A failure to pay such percentage, or the filing of a false statement, or the concealment of any revenues arising from the business conducted by the grantee of any franchise, permit or privilege requiring such grantee to pay such percentage,

shall work a forfeiture of the franchise, permit or privilege under which such grantee is operating. The grantee of every franchise authorizing the construction, maintenance or operation of any steam or interurban railroad within the city, shall, quarterly, or oftener if the city commission and the grantee of such franchise shall so agree, furnish to the city auditor a statement showing the aggregate tonnage transported over each mile, or fraction thereof, upon any track or tracks of such grantee constructed in, on, under or over any street, highway, alley or other public place within the city, during the preceding quarter or other interval, and shall at the same time with the rendition of such report pay to the city treasurer the amount shown to be due thereunder. All books, records, tonnage sheets, wheel reports, way bills and other data from which records are compiled shall be subject to inspection by such city officer or certified public accountant as may be designated or employed by the city commission for the purpose of verifying such reports and statements.

Examination of books and records.

SEC. 237. The city of Sacramento, by and through such officer of the city as the city commission may designate, or such certified public accountant as the city commission may employ for that purpose, shall have the right at all reasonable times to examine all books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise, permit or privilege granted by the city, for the purpose of verifying any of the statements or reports required by this article, and for any other purpose whatsoever connected with the duties or privileges of the city or of the person, firm or corporation, arising from this charter or from the ordinance granting the franchise, permit or privilege, and may audit the same at such times as the city commission shall determine.

Beginning and completion of work.

SEC. 238. The plans and specifications of all work to be done in, upon, over, across, along or under any street, highway, alley or other public place within the city under the provisions of such franchise, permit or privilege, shall be filed with and approved by the city engineer before any such construction work is commenced, and the grantee of every such franchise, permit or privilege shall prepare and file with the city engineer suitable maps showing the precise location in, upon, over, across, along or under any street, highway, alley or other public place within the city, of all tracks, conduits, tunnels, pipes, poles, towers or other structures, and of all wires attached thereto, which such grantee proposes to lay down, erect, construct, maintain, equip and operate under the provisions of such franchise, permit or privilege. Such maps must be filed before any work of construction shall be commenced, and when filed, shall, together with the plans and specifications, be retained in the office of the city engineer as public records thereof, and shall be open to the inspection of the public at all times during office hours.

SEC. 239. Every ordinance granting any such franchise, permit or privilege shall specify the location and position of all work to be done thereunder; the kind of rails to be used, and the manner of laying the same; the precise location and dimensions of all tunnels, conduits and pipe lines and the materials of which they are to be constructed; the precise location, dimensions and materials of all poles, towers or other structures to be used for the purpose of sustaining wires, and the method, if any, to be employed for bracing the same; and every such ordinance shall reserve to the city commission the power to require changes of material or location whenever in its judgment such changes are necessary for the public safety or convenience. The city engineer shall not approve any plans or specifications submitted by the grantee of any such franchise, permit or privilege unless the same are found to be in conformity with the provisions of the ordinance making such grant.

SEC. 240. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, which time shall not be more than three years from the date of the taking effect of the ordinance granting said franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited; *provided*, that for good cause shown, the city commission may, by resolution, extend the time for completion thereof not exceeding three months; *and provided, further*, that should the prosecution of such work, or any part thereof, be enjoined by any court of competent jurisdiction, the time during which such injunction remains in force shall not be included in determining the expiration of the period hereinabove limited for the completion of such work.

Reports of cost.

SEC. 241. The grantee of any franchise, permit or privilege must, during construction, file monthly with the city engineer a statement of the expenditures for new construction during the calendar month next preceding the filing thereof, which shall be verified by the oath of some officer, agent or other person authorized in law to bind the grantee. No cost of maintenance, operation, repair or replacement shall

be considered to be a cost of construction or included in any such statement Such statement may be used in determining the cost of construction, but shall not, in any event, be binding upon the city.

Service and accommodations.

SEC. 242 The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and charges.

SEC. 243. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to prescribe and regulate rates, fares, the exchange of transfers, rentals or charges to be made by the grantee for the service rendered under such franchise, permit or privilege, except when such matters are regulated by State or Federal authorities. The grant of every franchise, permit or privilege for a street railroad, or a suburban railroad, shall provide that all United States mail carriers, when in uniform, and all policemen and firemen of the city, while in the actual discharge of their duties, shall be allowed to ride on all cars of such railroad within the boundaries of the city without paying fare therefor and with all the rights of other passengers.

Efficiency of service.

SEC. 244. Every ordinance granting any franchise, permit or privilege shall expressly provide for the maintenance of the plant and fixtures to be constructed thereunder at the highest practicable standard of efficiency at all times, and shall further provide that a wilful failure and neglect of the grantee to observe the standards of efficiency and service prescribed by the city commission shall be a ground for the forfeiture of such franchise and of all rights, privileges and benefits accruing to the grantee thereunder.

Right of city to assume ownership.

SEC. 245. Every ordinance granting any franchise, permit or privilege except for a steam or interurban railroad, shall provide that the city, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner and at the time provided in the ordinance making the grant, purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise, permit or privilege be considered or taken into account in fixing such valuation And the city commission must insert in every such ordinance a reservation of the right to purchase the plant and property of the grantee at and after such time, to be specified in the ordinance, as the city commission may fix when granting such franchise. Or it may be provided in the ordinance granting any franchise, permit or privilege that the property and plant of the grantee shall, at the expiration of the period for which such franchise, permit or privilege is granted, become the property of the city without any compensation to the grantee. In either case the plant and property of the grantee shall become the property of the city upon the happening of the contingencies specified in the ordinance, or the purchase by the city, and the city shall have the right to assume the possession, control, management and operation thereof without the necessity of any instrument of conveyance whatever to transfer title to the city: *provided, however*, that nothing in this section shall ever be construed to require the city to purchase the plant and property of any such grantee, or to take over the same without purchase, should the city commission or the people, by a referendum vote, determine such purchase, or such acquisition without purchase, to be undesirable.

Renewals and extensions.

SEC 246. Subject to the limitations prescribed in Section 230 of this article, the city commission may, in its discretion, grant renewals or extensions of franchises, permits or privileges for any of the purposes specified in Section 228, for a limited period, in no event exceeding ten years; *provided, however*, all such renewals and extensions shall be made by ordinance, subject to the referendum provisions of this charter; *and provided, further*, that the grantee of any such renewal or extension shall be required to pay to the city such percentage of its gross receipts annually, or such cash rental as may be agreed upon between the grantee and the city commission, which shall in no event be less than such grantee was required to pay during the year immediately preceding the expiration of such franchise, permit or privilege.

Lease or assignment of franchise.

SEC 247. No franchise, permit or privilege granted by the city shall be sold, leased, assigned or otherwise alienated without the express consent of the city, given by ordinance, and no dealings on the part of the city with any purchaser, lessee or

assignee, to require the performance of any act or payment of any compensation by such purchaser, lessee or assignee, shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantee from the city of such franchise, permit or privilege from including it in a mortgage or deed of trust, executed for the purpose of obtaining money for corporate objects.

Street sprinkling, cleaning and paving.

SEC. 248. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways, or public places in the city for railway purposes shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, pave and repave, or macadamize and remacadamize so much of said street, highway or public place as may be occupied by the track or tracks of such railroad or railway, and for a distance of two feet beyond the outer rails thereof. All such street repairs and improvements must be done with such materials, at such time, and in such manner as the city commission may prescribe, and must be done under the supervision of, and completed to the satisfaction of, the superintendent of streets.

Fire and police alarm wires.

SEC. 249. Every grant of any franchise, permit or privilege authorizing the grantee to use any street, highway, alley or other public place of the city for the purpose of constructing, erecting, laying down and maintaining any poles, towers, or other structures above the surface, or any conduits, tunnels or other structures below the surface, for the carriage of wires, shall contain the condition that the city shall have the right to use such poles, towers, conduits, tunnels or other structures, without cost, for the carriage of the police and fire alarm wires of the city, and the further right to attach its call boxes to any of such poles or towers. All poles, towers, or other structures above the surface of the ground shall be plainly numbered and marked with the name of the owner thereof, and shall be placed at such intervals and painted with such colors and at such times as the city commission may prescribe.

Levees.

SEC. 250. In any grant of any franchise authorizing any railroad track or tracks to be laid down, maintained and operated, or used for the storage of cars, upon any levee or levees built and maintained by the city of Sacramento, it must be inserted as a condition thereof that the grantee will, whenever so required by the city authorities, at its own cost and expense, raise so much of said levee or levees as may be occupied by its track or tracks and for a distance of two feet beyond the outer rails thereof, on each side, to the height and grade prescribed by the city, and that as nearly as may be practicable, all of such work shall be done simultaneously with the work done upon the remainder of such levee or levees by the city, and with the same kind of materials.

No exclusive franchise.

SEC. 251. Every franchise hereafter granted to any applicant for a steam or interurban railway shall, in express terms, require the grantee hereof to permit any other steam or interurban railroad now doing business in the city, or that may hereafter desire to enter the city, to make joint use with the grantee of all tracks that may be laid on, in, under or above any street, highway, alley or other public place within the city, for the purpose of entering, passing through, and leaving the city, upon paying, or tendering, to the grantee a fair proportion of the cost of construction and maintenance of the track or tracks so used. Any refusal by the grantee to permit such joint use shall work a forfeiture of the franchise and of all rights and privileges acquired thereunder.

Bridges.

SEC. 252. In the event that any such franchise is granted authorizing the use of any street, highway, alley or other public place within the city for the purpose of constructing, maintaining and operating any track or tracks leading to any bridge or bridges across the Sacramento River or the American River, the grantee thereof must also agree, as a condition of such grant, to permit any and all such other roads to use such bridge or bridges for the transportation of trains, locomotives, cars and other rolling stock, upon being paid a fair proportion of the cost of construction and operation of such bridge or bridges, and of the maintenance thereof while so used by such other road or roads.

Switching.

SEC. 253. Every such franchise shall be granted upon the further condition that any steam or interurban railroad now doing business within the city, or that may hereafter enter the city, shall have the right to have its cars delivered to, and returned from any warehouse, switch, terminal, spur track, wharf, manufacturing establishment, or other place within the city used for loading and unloading cars and reached by any track or tracks of such grantee, without delay, discrimination or favoritism of any kind, upon payment of a just and reasonable charge therefor, and until, or unless, such switching charges be established and fixed by Federal or State authority, the city commission shall have the right to fix and prescribe the charges to be exacted for all such service.

Wharves.

SEC. 254. No exclusive franchise for the construction of any wharf abutting upon or adjoining any part of any street, highway, alley or public place within the city shall ever be granted under any circumstances, but all ordinances making such grants shall expressly provide that the grantee thereof must allow the use of any and all facilities for the loading and unloading of boats and vessels of all descriptions, whenever feasible, by any person or vessel desiring the same, irrespective of ownership, upon payment to the grantee of such compensation as may be fixed by the city commission for the use of any and all of such facilities. Every ordinance making such grant shall expressly reserve to the city the right to prescribe and change the rates of wharfage and transit, levy dues upon all vessels and commodities, and to provide for the collection thereof.

Limitation.

SEC. 255. No wharf franchise shall ever be granted for a period longer than ten years.

Ordinance in plain terms.

SEC. 256. No franchise, permit or privilege, or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Other conditions may be imposed by city commission.

SEC 257. Nothing in this charter shall be construed as prohibiting the city commission from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter as the city commission may desire to insert therein, or the people may by the initiative indicate their desire to have so inserted.

Definitions.

SEC. 258. The term suburban railways as used in this article shall be deemed and construed to mean and include all railways operated within the city limits for the transportation of passengers from point to point within the city, and to and from points within the city and points without the city limits but within close proximity thereto The term interurban railway shall be deemed and construed to mean and include all railways, other than steam railways, operated between points within the city and other cities and towns, for the carriage of passengers, baggage, express matter, mails, or freight.

Forfeiture for non-compliance.

SEC. 259. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in case of such breach or failure the city commission shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Franchise record.

SEC 260. The city commission shall require every person, firm or corporation making use of any portion of any street, highway, alley or other public place within the city for the purpose of supplying the city or its inhabitants with any public service or public utility of any kind whatever, to file in the office of the city clerk, within six months after this charter takes effect, full, true and correct copies of all laws, ordinances, resolutions or other legislative action granting unto such person, firm or corporation, or to his or their predecessors in interest, the right, privilege or permission to use such streets, highways, alleys or other public places for such purpose, showing the date of passage thereof, the identity of the legislative body making the grant, all assignments thereof, if any, and such other data as the city commission may prescribe. The city commission shall cause the complete text of all such reports, together with the complete text of all subsequent grants of any franchise, permit or privilege of any kind made under the provisions of this charter, to be copied into a book of record, which shall be kept in the office of the city clerk. All annual, or other, reports and statements of every kind required to be filed under the provisions of this article shall likewise be copied into such book of record, together with certified copies of all judgments or decrees affecting the same, and such other data as the city commission may from time to time prescribe. Such book shall be properly indexed and shall be open to the inspection of the public at all times during office hours.

ARTICLE XXIV.

ELECTIONS

General and special municipal elections.

SECTION 261. A municipal election shall be held on the first Saturday in May next following the approval of this charter by the legislature, and on the first Saturday in May of each year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in subdivision twenty of this section, on the second Saturday after the declaration of the official canvass of the returns of said general municipal election, and shall be known as a second general municipal election. All other municipal elections that may be held by authority of this charter, or by general law, shall be known as special municipal elections.

Nomination and election of city officers.

The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows:

CONDITION OF CANDIDACY.

(1) The candidate, not later than the first presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty (30) days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO, } SS.
CITY OF SACRAMENTO,

DECLARATION OF CANDIDACY.

I, _____, residing at No ____, _____ street, Sacramento, Cal., being duly sworn, hereby declare myself a candidate for the office of city commissioner, to be voted for at the _____ municipal election to be held in the city of Sacramento on the _____ day of _____, 19____.

(Signed) _____.

Subscribed and sworn to before me this _____ day of _____, 19____.

_____.

(SEAL) City Clerk (or Notary Public).

The name of a candidate shall be printed upon the ballot when a declaration of candidacy and a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions in this article set forth, such candidate not having withdrawn under the provisions of subdivision nine of this section.

Petition of nomination.

(2) The petition of nomination shall consist of not less than one hundred nor more than three hundred individual certificates, which shall read substantially as follows:

INDIVIDUAL CERTIFICATE

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO, } SS
CITY OF SACRAMENTO

I, the undersigned, do solemnly swear or affirm that I am a qualified elector of the city of Sacramento, and I hereby nominate _____, who resides at No ____, _____ street in the said city, as a candidate for the office of city commissioner, to be voted for at the municipal election to be held on the _____ day of _____, A. D. 19____, that I am not at this time the signer of the nomination petition of any other candidate for the same office or, in case there are two or more city commissioners to be elected at said election, that I have not signed more petitions than there are city commissioners to be elected at said election; that my residence is at No. ____, _____ street of the said city of Sacramento; and that my occupation is _____.

(Signature) _____.

Subscribed and sworn to before me this _____ day of _____, 19____.

_____

Verification Deputy (or Notary Public).

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. ____, _____ street, Sacramento, Cal.

Forms to be supplied by the city clerk.

(3) It shall be the duty of the city clerk to furnish to any candidate filing the declaration provided for in subdivision one hereof, at any time within sixty days before the general municipal election, upon application, a reasonable number of forms of individual certificates of the above character.

Requirements of certificate.

(4) Each certificate must be a separate paper. All certificates must be of uniform size, as determined by the city clerk. Each certificate must contain the name of one signer thereto, and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing a certificate have signed any other certificate for any other candidate for the same office, unless his signature for such other certificate shall have been revoked, as provided in subdivision eight of this section, nor, in case there are two or more city commissioners to be elected at such election, have signed more certificates than there are city commissioners to be elected. In case an elector has signed two or more conflicting certificates, all such certificates, except the first one presented, shall be rejected. Each signer must subscribe and verify his certificate before a notary public or a verification deputy, as provided in this article. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition be found insufficient.

Verification deputies.

(5) Each candidate may designate one or more special verification deputies who shall qualify by filing with the city clerk an oath or affirmation in substance as follows:

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO, } ss
CITY OF SACRAMENTO

I, _____, depose and say: That I am a qualified elector of the city of Sacramento, county of Sacramento, State of California; that I have been designated as a special verification deputy by _____, who is a candidate for the office of city commissioner of the city of Sacramento; that I can read and write the English language; and that in obtaining signatures to the nomination papers of the said candidate I will faithfully observe all provisions of the charter of the city of Sacramento and all laws of the State of California that are applicable to the preparation, signing and filing of such nomination papers; that I reside at No. ____, _____ street, of the said city of Sacramento; and that my occupation is _____.

(Signature) _____.

Subscribed and sworn to before me this _____ day of _____, 19____.

_____,
(SEAL) City Clerk.

The city clerk shall keep a record in which he shall enter the names of all such verification deputies as designated by each candidate. No verification deputy shall be designated or appointed more than sixty days prior to such election. Every verification deputy shall, at the time of filing the petition or petitions circulated by him, make and file with the city clerk an affidavit stating the total number of individual certificates in behalf of any candidate verified before him as such verification deputy, and shall file all such certificates with the city clerk. Such verification deputies shall have power to take the oath or affirmation of the signers of such individual certificates of nomination, not exceeding in all three hundred (300) for any one candidate, but shall have no power to take oaths or affirmations for any other purpose whatsoever. Verification deputies need not use a seal.

Date of presenting petition.

(6) Such petitions of nomination shall be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The said clerk shall endorse upon each petition the day, hour and minute upon which it was presented to him.

Examination of petitions by city clerk.

(7) When a petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found to conform thereto, he shall file the same forthwith; but if found not to conform thereto, he shall then and there, in writing, endorse on said petition the defect, or omission, or reason why such petition cannot be filed, and shall return the petition to the person therein designated. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the city commission shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signature.

(8) Any signer to a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature, before the filing of a petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of candidate.

(9) Any person whose name has been presented under this article as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of petitions.

(10) No original petition filed by reason of withdrawal of a candidate, nor amended petition of nomination, shall be filed within less than twenty days before the date of the election. No petition of nomination shall be withdrawn or added to, and no signature shall be revoked, after said petition is filed.

Preservation of petition.

(11) The city clerk shall preserve in his office for a period of two years all petitions of nomination, and all certificates and affidavits belonging thereto, filed under this article.

Election proclamation.

(12) The city clerk shall, not later than twenty days prior to the date of the election, certify to the city commission a list showing the names, alphabetically arranged, of all candidates nominated for a full term, and a similar list of the names of all candidates nominated for an unexpired term, if any, as required by the provisions of this charter. The city commission shall cause said list to be published in the proclamation calling the election, in at least five successive issues of the official newspaper of the city immediately preceding the date of the election. Such publication shall clearly state the names of all persons who are candidates for a full term, and shall clearly state the names of all persons who are candidates for an unexpired term, if any. No political or party designation of any kind shall be published in any such proclamation in connection with the name of any candidate.

Form of ballots.

(13) The city clerk shall cause the ballots to be printed, bound and numbered as provided for by general laws, except as otherwise required in the charter. The ballot shall contain the names of all candidates, alphabetically arranged, and shall clearly distinguish between those who are candidates for a full term and those who are candidates for an unexpired term, if any. The ballots shall be substantially in the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION,

CITY OF SACRAMENTO.

(Inserting date thereof.)

Instructions to voters.

(To be printed in type not less than ten point)

To vote, stamp a cross (X) in the square at the right of the name of the candidate for whom you desire to vote; to vote for a person whose name is not printed on the ballot, write the name of such person under the title of the office in the blank space provided therefor, but do not stamp a cross (X) after the name so written. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of ballot.

(14) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at such election. Nothing shall be placed on the ballot to indicate the source of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

(15) The name of a candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall not be omitted from the ballot.

Space for voting cross.

(16) A half-inch square shall be provided at the right of the name of each candidate wherein to stamp the cross.

Blank space for additional candidates.

(17) Half-inch spaces shall be left below the printed names of the candidates equal in number to the number of commissioners to be elected wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots

(18) The city clerk shall cause to be printed sample ballots identical with the ballots to be used at the election, except as to quality and color of paper, and shall mail a copy of the same to each registered voter at least five days before said election.

Votes necessary for election.

(19) In case there is but one person to be elected to an office, the candidate receiving a majority of all votes cast for all candidates for said office shall be declared elected. In case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive successively the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the total number of ballots cast at such election for all candidates for said office.

Second election.

(20) If at any election held as above provided, there be any office to which the required number of persons were not elected, then, as to such office, the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to said office, or less if so there be, who successively received the highest number of votes for that office at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for said office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive successively the highest number of votes at such second election shall be declared elected to such office.

Date of second election.

(21) The said second election, if necessary to be held, shall be held on the second Saturday after the declaration of the official canvass of the returns of said general municipal election.

Rules governing second election.

(22) All the provisions and conditions above prescribed for the conduct of a first election, so far as they may be applicable, shall govern the second election, except that notice of election need be published for two successive days only, immediately preceding said second election; *and provided, also*, that the same precincts and polling places shall, if possible, be used

Failure of person elected to qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office.

Informalities in election.

(24) No informalities in conducting a municipal election shall invalidate the same, if such election has been conducted fairly and in substantial conformity with the requirements of this charter.

General election regulations

SEC 262. (1) The provisions of the general election laws relating to the qualifications of electors, the manner of voting, the duties of the election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall (except as herein otherwise provided) govern all municipal elections; *provided*, that the city commission shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting machines.

(2) In case voting machines shall be used at municipal elections, the city commission shall have power, by ordinance, to modify the provisions of Section 261, so far as may be necessary to adapt them to the use of voting machines.

Polls open and close.

(3) At all elections held under the provisions of this charter, the polls shall open at six o'clock A. M. and close at six o'clock P. M.

Precincts

(4) It shall be the duty of the city commission to fix the boundaries of all municipal election precincts.

Election officers

(5) The election officers in each polling precinct at all elections held under the provisions of this charter shall be appointed pursuant to the provisions of Article XV herein and shall be four in number, namely, one inspector, one judge, one ballot clerk, and one tally clerk; *provided, however*, that during the counting of the votes the ballot clerk shall also act as tally clerk.

Duties of county clerk.

SEC 263 It shall be the duty of the board of supervisors of the county of Sacramento, when indices of the great register are being printed, to provide for the printing of a sufficient number thereof, in addition to the number otherwise required by law, for the general and special municipal elections to be held or likely to be held in the city of Sacramento; and it shall be the duty of the county clerk of said county to furnish such indices and affidavits of registration as may be required by the city commission. The county clerk, when so required, for the purposes of a general or special municipal election, shall furnish to the city commission a supplemental list of all voters who have registered since the time of printing the last index of the great register, and shall, at the time of any general or special municipal election, keep the office of the registrar of voters open during the progress of such election.

ARTICLE XXV.

THE INITIATIVE.

Direct legislation.

SECTION 264. Any proposed ordinance may be submitted to the city commission by a petition signed by the registered electors of the city equal in number to the percentage hereinafter required.

Form and verification of petition.

(1) A copy of such proposed ordinance shall be attached to the petition, and the petition shall have endorsed upon it the name and address of the person to whom the same shall be returned if found insufficient, as hereinafter provided. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature the date thereof and his place of residence, giving street and number. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statements therein made are true; that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed; and that each of such signatures was appended to such petition within ninety days prior to the presentation of the petition to the city clerk. Upon receipt of such petition, the clerk shall proceed to examine into the sufficiency of the same in the manner prescribed by the provisions of Article XXIV of this charter. If found insufficient, the petition shall be returned to the person whose name is thereon endorsed, for amendment or correction, as in said article provided.

Fifteen per cent petition.

(2) If the petition accompanying the proposed ordinance be signed by registered electors equal in number to at least fifteen per centum of the total number of electors registered at the time of the last preceding general municipal or second general municipal election at which a commissioner was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the city commission shall either:

(*a*) Pass said ordinance, without alteration, within twenty days after attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Article XXVI of this charter), or,

(*b*) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the city commission shall, except as provided in subdivision seven of this section, proceed to call a special election, to be held within forty days from date of such call, at which said ordinance, without alteration, shall be submitted to a vote of the people. No ordinance proposed under the provisions of this subdivision shall be submitted at any but a special election called in accordance with the provisions hereof.

Five per cent petition.

(3) If the petition be signed by electors equal in number to at least five per centum of the total number of electors registered at the last preceding general municipal or second general municipal election at which a commissioner was elected, and contain a request that said proposed ordinance be submitted to a vote of the people at the next general election, and said ordinance be not passed by the city commission, as provided in Subdivision 2*a*, then such ordinance, without alteration, shall be submitted by the city commission to a vote of the people at the next annual municipal election that shall occur at any time after twenty days from the date of

the clerk's certificate of sufficiency attached to the petition accompanying such ordinance. No ordinance proposed under the provisions of this subdivision shall be submitted to a vote of the people at any but a general municipal election

Publication of popular ordinance.

(4) Whenever any ordinance or proposition is required by the provisions of this charter to be submitted to the voters of the city at any election, the city commissioners must order one publication of the complete text thereof to be made in the official newspaper of the city, such publication to be made not less than ten days nor more than fifteen days prior to such election; or, the city commission may, in lieu of such publication, cause the ordinance or proposition to be printed, and thereupon it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope, with a sample ballot, and mail the same to each voter, at least five days prior to such election. The city commission may also, in its discretion, include with such publication, or such printed copy, a statement, not exceeding five hundred words, setting forth concisely the reasons of the city commission for refusing to pass or adopt such ordinance or proposition. In the event that the city commission elects to publish such statement or to send copies thereof to the voters, as herein provided, the proponents of such ordinance or proposition shall also have the right to have included in such publication or such mailing, as the case may be, a similar statement of their reasons for urging the passage or adoption of such ordinance or proposition; *provided*, they shall first deposit with the city clerk the cost of such publication, or furnish to the city clerk, at their own expense, printed copies of such statement exceeding in number by five per centum the number of registered electors of the city at such time The city commission shall, at least three days preceding the publication or mailing of such proposed ordinance or proposition, by a resolution spread upon its minutes, indicate its intent to include a statement with, or to omit a statement from, such mailing or such publication The form and size of paper, and the style and size of type to be used in printing the statements herein provided for, shall be prescribed by the city commission by ordinance.

Election.

(5) The ballots used when voting upon such proposed ordinance shall set forth the title thereof in full and state its general nature, and shall contain the words "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on such proposed ordinance shall vote in favor thereof, such ordinance shall take effect five days after the declaration of the official canvass of the returns of such election.

Several ordinances at one election

(6) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article, subject to the limitations imposed in subdivisions two, three and seven of this section.

Limit of special elections.

(7) There shall not be held under the provisions of this article more than one special election in any period of six months. In the event that any petition or petitions calling for a special election be presented to the city commission within six months following any special election, it shall be the duty of the city commission to defer such election until the expiration of said period; the provisions of Subdivision (2*b*) of this section to the contrary notwithstanding.

Repeal of popular ordinance.

SEC. 265. The city commission may submit a proposition for the repeal of any popular ordinance, or for amendments thereto, to be voted upon at any succeeding regular annual municipal election, and should such proposition, so submitted, receive a majority of the votes cast thereon at any election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, shall not be repealed or amended except by a vote of the people, unless such ordinance shall otherwise expressly provide.

Conflicting measures.

SEC 266. In the event that two or more ordinances or propositions adopted at the same election shall contain conflicting provisions, the ordinance or proposition receiving the highest number of votes at such election shall be paramount, and all questions of construction shall be determined accordingly.

Order upon the ballot.

SEC 267. The city commission shall have no power to postpone or avoid the submission of any proposed ordinance to a vote of the people, except as in subdivision seven of Section 264 hereof provided. In the event that two or more such ordinances are submitted at the same special election, they shall be placed upon the ballot in the order of the priority of filing the respective petitions therefor, and shall be given precedence upon the ballot over any and all questions submitted by the city commission of its own initiative. All such proposed ordinances submitted at any general election shall likewise be placed upon the ballot in the order of

priority of filing of the respective petitions therefor, and shall likewise precede upon the ballot all questions submitted by the city commission of its own initiative at such general election. The provisions of this article are mandatory and prohibitory.

Charter amendments.

SEC 268. The provisions of this article shall apply to the proposal, submission and adoption of charter amendments, subject to the provisions of section eight of Article XI of the Constitution of this State.

Further regulations.

SEC. 269. The city commission must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Article XXIV thereto.

ARTICLE XXVI.

THE REFERENDUM.

Mode of protesting against ordinances.

SECTION 270. No ordinance passed by the city commission shall go into effect before thirty days from the time of its passage except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and is passed by a four-fifths vote of the city commission; *provided*, that no grant of any franchise shall be construed to be an emergency measure, but all franchises shall be subject to the referendum vote herein provided If during said thirty days a petition signed by registered electors of the city equal in number to ten per centum of the total number of electors registered at the time of the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the city commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the city commission to reconsider such ordinance, and if the same be not entirely repealed, the city commission shall submit the ordinance, as is provided in Article XXIV of this charter, to the vote of the electors of the city, either at the next general municipal election, or at a special election, to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof

SEC 271 Any ordinance or measure that the city commission or the qualified electors of the city shall have authority to enact the city commission may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as provided in this charter for ordinances or measures submitted on petition

SEC. 272 At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may be legally submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control

SEC. 273 The provisions of Section 261 of Article XXIV, respecting the forms and conditions of the petition and the mode of verification, certification, amendment and filing shall be substantially followed, with such modifications as the nature of the case requires A substantial compliance with the provisions of this charter shall be sufficient for the holding of an election hereunder and for the approval or rejection of any measure submitted thereat

SEC. 274. The city commission must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Section 261 of Article XXIV thereto.

ARTICLE XXVII

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SEC. 275 (1) Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, shall be subject to removal from office by recall, but no affidavit of intention to circulate a petition for the recall of any incumbent, as hereinafter provided, shall be filed until such incumbent has actually held office under said election or appointment for at least six months. The procedure to effect such removal from office shall be as follows

Petition for recall.

(2) A petition signed by qualified electors equal to ten (10) per centum of the total number of electors registered at the last municipal election at which a commissioner was elected, requesting the calling of an election to determine whether or not the said incumbent of an elective office sought to be removed from office shall be removed from office by recall, shall be addressed to the commission and presented to

the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of petition.

(3) The petition for recall and removal from office shall be substantially as follows

(Individual Certificate.)

PETITION TO THE CITY COMMISSION
REQUIRING A SPECIAL MUNICIPAL ELECTION
(If such be the case)

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

For the recall of (name of officer)
From the office of (name of office)

REASONS FOR THE RECALL OF (name of officer) FROM OFFICE (Here insert such reasons.)	REASONS AGAINST THE RECALL OF (name of officer) FROM OFFICE. (Here insert such reasons.)

STATE OF CALIFORNIA,
COUNTY OF SACRAMENTO, } ss
CITY OF SACRAMENTO

I, the undersigned, certify that I hereby join in a petition to the city commission requiring that it forthwith submit, as provided in the charter of the city of Sacramento, to the vote of the electors of said city, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled from the office of (name of office).

I further certify that I have read the above reasons for and against the recall of said officer and believe that he should be recalled, that I am a qualified elector of the city of Sacramento, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. ____, _____ street, in said city, and that my occupation is _____.

(Signed) _____.

_____, being duly sworn deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

_____.

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part, shall, if found insufficient, be returned to _____ at No. ____, _____ street, Sacramento, California.

Filing and examination of petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy as to the truth and correctness of the statements made in such certificate. These certificates shall be fastened together, as provided herein for petitions of nominations, except that they shall be bound as near as may be in lots of two hundred and fifty (250) certificates. Immediately upon the receipt of such petition, the city clerk shall endorse thereon the time at which said petition was received by him. The city clerk shall thereupon immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this charter. Within ten days after such presentation he must finally determine whether or not it so conforms, and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this charter, such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the city clerk the petition is shown to be insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate by the city clerk, of an additional recall petition containing additional recall certificates. The city clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, and all proceedings and petitions under said affidavit of intention to circulate a petition for the recall of any incumbent, as provided in this section, shall be null and void. If the city clerk shall find the said petition or amended petition to conform to the requirements of this charter, he shall indorse his finding upon the said petition or amended petition and immediately file and present the same to the city commission

Withdrawal of signature.

(5) Any signer of a petition for the recall may file with the city clerk a verified revocation of his signature to such petition. In case said revocation is filed with the city clerk before the said petition is filed by him, he shall cancel the said signer's signature on said petition.

Statement of intention to circulate petition.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of the said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: a statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall, and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition. No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after the filing of such affidavit.

Election under recall petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the city commission shall after due notice cause a special election to be held within not less than fifty (50) nor more than sixty (60) days after the filing of said petition, to determine whether the electors will recall said officer, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the city commission may in its discretion postpone the holding of such election to such general municipal election.

Penalty for non-performance—Life of petition.

(8) If the city clerk or any member of the city commission shall wilfully fail or neglect to do or perform any act or duty, in this article prescribed or directed to be by him or any of them done or performed, then and in that event the said city clerk or such member of the city commission shall not draw or receive any salary during his further continuance in office and the auditor shall not audit or allow any claim therefor. If any question of recall, for which a petition has been filed, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of recall—Officer's justification.

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Voting—Canvass of returns.

(10) At such recall election, the ballots shall read:

"Shall _____ (naming the officer) be recalled? Yes."

"Shall _____ (naming the officer) be recalled? No."

If a majority of the electors voting on the recall of the officer sought to be removed, shall vote in favor of such recall, said officer shall thereupon be deemed removed from office and his incumbency thereof shall terminate upon the declaration of the result of said election by the canvassing board thereof. In the published call for said election the clerk shall name three disinterested electors who shall act as a canvassing board to canvass the returns of said election and to declare the result thereof in the same manner and with the same force and effect as otherwise herein provided for the canvassing boards of general municipal elections.

Appointment of successor.

(11) The city commission shall appoint a successor to the officer removed, who shall hold until the next general municipal election, at which time a successor to the officer removed shall be elected by the people in the manner provided for in this charter.

Removal of a majority of the city commission.

(12) In the event that a majority of the city commissioners shall be simultaneously recalled, the city clerk shall appoint successors of the commissioners who have been recalled, to serve until other commissioners have been elected, as hereinafter provided. Within three days after the canvass of the vote of the election at which such

commissioners are removed, the clerk shall issue a call for an election for the purpose of electing the successors of the officers so removed. Said election shall be held upon notice of not less than twenty and not more than twenty-five days, and said election shall be held within thirty days from the date of the canvass of the vote of the recall election. Nominations shall be made in the manner provided in Section 261 relating to the nomination of city commissioners, except that petitions for nominations shall be filed in the office of the city clerk at least ten days prior to the date of the holding of said election, and shall contain the requisite number of signatures when filed, without power of amendment. The clerk shall forthwith determine the sufficiency as to the number and genuineness of signatures of the petition. If the same be insufficient in these particulars, it shall be rejected, and if sufficient, the name of the person nominated therein shall be placed upon the official ballot as a candidate for the office for which he was nominated.

(13) The provisions of Article XXIV shall, except as hereinabove modified, apply to and govern all such elections.

Disqualification of recalled officer.

(14) No person recalled under the provisions of this section shall be eligible for election or appointment to any office in the city for a period of one year from and after the date of his recall.

New officer—When to qualify.

(15) Every person elected to fill a vacancy caused by the recall of an elective officer, as in this section provided, shall within four days from the declaration of the result of the election at which he was elected, qualify and assume the powers and duties of the office to which he was elected.

Percentage of subsequent recall.

(16) If, at a recall election, a majority shall vote against recalling the officer sought to be removed, it shall require a petition signed by qualified electors equal to twenty per cent of the total registered vote at the last municipal election at which a commissioner was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

Further regulations.

(17) The city commission shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Article XXIV thereto.

ARTICLE XXVIII.

OFFICIAL GAZETTE.

SECTION 276. The city commission shall cause the city clerk to print and issue each week a publication entitled the official gazette of the city of Sacramento, in which shall be published a summary of its proceedings during the week. Within ten days after the end of each calendar month there shall be printed in the official gazette a detailed statement of all receipts and disbursements during such preceding month, showing to whom payments were made and for what purpose, which statement shall be classified under the various subdivisions of the city government, and shall show the expense of each subdivision for the month, the total expense of each subdivision for the fiscal year to date, and the amount of the annual budget allowed for each subdivision. All official and city matters which the city commission may direct or require to be published, shall be published only in the official gazette, unless other publication is required by this charter or the laws of the State of California. Nothing shall be published in the official gazette except such matters as pertain strictly and wholly to the city's business. No political matter, nor anything which advertises or calls special attention to any officer, employé or department of the city shall ever be published in the official gazette. Copies of the official gazette shall be furnished to the State Library of California, the City Library of Sacramento, the newspapers of Sacramento, to all persons who apply therefor at the office of the clerk, and to such other persons as the city commission may provide.

ARTICLE XXIX.

MISCELLANEOUS.

Office hours.

SECTION 277. Unless otherwise provided by law or in this charter, all public offices shall be open for business every day (except legal holidays) from half-past eight o'clock A. M. until five o'clock P. M., and in addition thereto, for two weeks before taxes become delinquent, the office of the city collector shall be open until nine o'clock P. M., and when any municipal election is held on Saturday, the office of the city clerk shall be kept open until the returns have been received from the polling precincts.

Hours of labor

SEC. 278 Except in time of emergency, the maximum hours of labor or services to be rendered by any city employé, or any workman, laborer or mechanic engaged upon municipal work by a contractor or a sub-contractor, shall be eight hours in a calendar day, unless otherwise provided by this charter.

No assignment of outside work.

SEC 279. No officer or employé of the city of Sacramento shall detail, or cause any officer or employé of said city to do or perform any service or work outside of his public service, work or employment, and any violation of this section shall constitute a misdemeanor punishable by a fine of not more than five hundred dollars ($500), or by imprisonment for not more than six months.

Payment of debts

SEC 280 Failure of any employé to pay promptly any legal indebtedness contracted by him for the necessaries of life while in the service of the city shall be sufficient ground for his removal from such employment.

Assignment of wages

SEC 281. Every assignment of wages not yet earned, made by any officer or employé of the city, shall be absolutely void, and the execution of such assignment on the part of any officer or employé shall be sufficient ground for his removal from the employment of the city. The city commission may, however, when in its judgment the circumstances warrant such action, authorize the immediate payment of not more than ninety per cent of the wages then earned by any officer or employé petitioning for such payment.

Municipal employment office

SEC. 282. The city shall provide and maintain a free employment office to assist worthy persons in securing employment. No fees or compensation of any kind shall be paid by or required from any person seeking or securing employment through said office The said employment office shall be under the immediate direction and control of the municipal employment agent, to be appointed by the commissioner of education. He shall perform such duties as the city commission may prescribe

Bureau of economy and efficiency.

SEC. 283 The city commission shall have power to create a bureau of municipal economy and efficiency. This bureau shall have power, and it shall be its duty to investigate both the social and economic conditions and the financial and business management of the city, with a view to promote the welfare of its inhabitants, and the economy and efficiency of its administration

Public records and copies.

SEC. 284. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from such books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, upon receiving payment therefor at such rate for copying and certification as the city commission may prescribe.

First election of officers.

SEC 285 The board of trustees of the city of Sacramento, then in office, shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the result.

When charter takes effect.

SEC. 286. For the sole purpose of the election of the officers directed by this charter to be elected by the people, this charter shall take effect immediately after its approval by the legislature, and such election shall be managed and conducted in accordance with the provisions of Article XXIV hereof. For all other purposes, this charter shall take effect on the first day of July next following the approval of said charter by the legislature.

CERTIFICATE.

WHEREAS, The city of Sacramento, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the twenty-seventh day of June, nineteen hundred and eleven, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect E. F. Ashworth, Charles A. Bliss, W. A Briggs, Albert Elkus, Frederick B. Fancher, James L. Gillis, William F. Gormley James M. Henderson, Jr., Thomas James, Henry S Kirk, D A Lindley, William Pook, A. L Shinn, Robert A. Waring and E. M. Wilder a board of fifteen freeholders to prepare and propose a charter for said city,

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Sacramento

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this twenty-fifth day of September, one thousand nine hundred and eleven

ALBERT ELKUS, President
EDWARD F ASHWORTH.
W. A BRIGGS
FREDERICK B. FANCHER
JAMES L. GILLIS.
W. F. GORMLEY.
J M HENDERSON, JR
THOMAS JAMES
HENRY S KIRK
D. A. LINDLEY
WILLIAM POOK.
A. L. SHINN.
ROBERT A WARING
E. M. WILDER
CHAS. A. BLISS Secretary.

Attest R. T. McKISICK, Assistant Secretary.

CITY OF SACRAMENTO,
COUNTY OF SACRAMENTO, } SS.
STATE OF CALIFORNIA

I, M. R. Beard, mayor of the city of Sacramento, and I, M. J. Desmond, city clerk of the city of Sacramento, in the county of Sacramento, State of California, and ex officio clerk of the board of trustees of said city, do hereby certify that said city of Sacramento is and at all the times herein mentioned was a city containing a population of more than ten thousand and less than one hundred thousand inhabitants

That the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 27th day of June, 1911, at a special election held in said city of Sacramento on said date for that purpose, and under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, duly elected as such board by the qualified electors of said city of Sacramento, to prepare and propose a charter for said city, that each of said freeholders had been a qualified elector in said city for more than five years previous to said election and were freeholders therein;

That the foregoing is a true copy of said charter so prepared and proposed as the charter for said city, and the same was signed in duplicate by the members of such board of freeholders, and returned, one copy thereof to the mayor of said city, and the other copy thereof to the recorder of the county of Sacramento, within ninety days after the date of said election;

That said proposed charter was thereafter published in the Sacramento Star and in the Sacramento Union, each of which was then a daily newspaper of general circulation in said city, and printed and published therein, and that said publication was made in each of said papers for at least twenty days, and that the first publication of said proposed charter in each of said papers was so made within twenty days after the completion of said charter; that within thirty days after such publication of said charter, to wit, on the 7th day of November, 1911, said charter was submitted to the qualified electors of said city at a general election held in said city; that at said election said proposed charter was duly ratified by a majority of the votes of the said qualified electors voting thereon, that the returns of said election were duly canvassed by the board of trustees of the city of Sacramento on the 13th day of November, 1911, and the result thereof declared as above set forth; and that in all matters and things pertaining to the said proposed charter and the ratification thereof, all provisions of the Constitution of California and all the laws thereof pertaining to the adoption of said charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of said city of Sacramento this 25th day of November, 1911.

M. R. BEARD,
Mayor of the City of Sacramento
M. J. DESMOND,
(Seal) City Clerk and ex officio Clerk of the Board of Trustees of the City of Sacramento

AND WHEREAS, Said proposed charter so ratified has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Sacramento, as said charter was presented to, adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, as and for the charter of said city of Sacramento

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, December 13, 1911.

IN ASSEMBLY

ASSEMBLY CHAMBER,
Wednesday, December 13, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

LEAVES OF ABSENCE.

On motion, Messrs. Walker, Griffiths, and Gaylord were granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Walsh.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Denegri, Messrs Frank Figone, Robert Anselmi, Emile Valette, and Emanuel Procini were granted the privilege of the floor of the Assembly for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 69—An Act regulating the appropriation of water or the use thereof; creating and establishing a state water commission, defining the duties and powers of said commission; declaring what water is unappropriated; defining the rights, remedies, and duties of appropriators of water, making an appropriation to carry out the provisions of this act; and also repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or elec-

trical or other power, fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses, prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years, limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated: declaring certain water to be unappropriated, providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation or any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation, compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power otherwise than provided in this Act, to be a misdemeanor and providing a penalty thereto, and also providing penalties for other violations of this Act, repealing all Acts and parts of Acts in conflict with this Act"—have had the same under consideration and respectfully report the same back and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolutions Nos 8, 9, and 10—Relative to adjournment *sine die*—have had the same under consideration, and respectfully report the same back and recommend that they be not adopted.

COGSWELL, Chairman.

The above ordered on file for consideration.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No 64—An Act to amend Section 1197 of the Political Code, relating to election ballots—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095*a*, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

Also: Senate Bill No 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

Also: Senate Bill No 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

YOUNG, Chairman

The above reported bills ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 12, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof, to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures, to provide penalties for the violation of the provisions of this Act, for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

Also: Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards" approved April 8, 1911.

Also: Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 2 read first time, and referred to Committee on Commissions and Public Expenditures.

Senate Bill No. 11 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 34 read first time, and referred to Committee on Engrossment and Enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 12, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 29—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller—and respectfully request your honorable body to concur in the amendments.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 29?"

In Section 4, line 5, after the word "Cal." insert the following: (here insert date)

Also: In Section 4, line 5, strike out last figure in "1911" so that the same will be "191__"

Also: In Section 4, add on line 19, after the word "approved", the following (here insert date)

Also: In Section 4, line 19, strike out last figure in "1911" so that the same shall read "191__"

Also. On page 3, Section 4, line 15, after the comma following the word "funds," add the following, "and providing for the deposit of such bonds as security for public moneys.".

The roll was called, and Senate amendments to Assembly Bill No. 29 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Gull, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.
NOES—None.

Bill ordered to enrollment.

INTRODUCTION OF BILLS, ETC.

The following bills were introduced, and referred as indicated:

By Committee on Election Laws: Assembly Bill No 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registrations of voters

Bill read first time, and ordered on file without reference.

By Mr. Lyon of Los Angeles and Mr Randall: Assembly Bill No 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies, and assistants.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr Preisker: Assembly Constitutional Amendment No. 12—An Act to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 8 of Article XIII thereof, relating to taxation by counties and municipalities

Read, and referred to Committee on Constitutional Amendments

THIRD READING OF BILLS.

Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 10 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Gull, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—68.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of

boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenace and repair of such boulevards, providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance and use of boulevards, and defining the term boulevard, approved March 22d, 1905,' and the Act amendatory thereof, approved April 15th, 1909," approved May 1st, 1911; said amendments relating to the election, appointment and qualifications of the members of said boulevard commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 32 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41—An Act to amend Section 1 of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 41 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2—Relative to the Simmons National Quarantine Act, now before Congress.

During the consideration of the resolution, the following amendments were submitted by the committee:

On page 2, line 40, strike out the word "passage" and insert in lieu thereof the following: "provision".

On page 2, line 50, strike out all the words in lines 50, 51, 52, 53, and 54, and insert in lieu thereof the following

"*Resolved*, That a copy of these resolutions be forthwith transmitted by the Chief Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California."

Amendments adopted.

Assembly joint resolution ordered to reprint, engrossment, and on file for consideration.

Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code, relating to public highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 53 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Gnill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled 'An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary election for United States Senators,' approved March 24, 1909, said Act being otherwise designated as the direct primary law," approved April 7, 1911.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In the title of the printed bill take out the quotation marks after the word "Senator", where such word first occurs, and after the word "entitled", where such word occurs the second time.

Amendment adopted.

AMENDMENT No. 2.

In the title of the printed bill, omit everything after the words "United States", where they appear the second time in said title, and insert in lieu thereof the following, "Senator, approved March 24, 1909, approved April 7, 1911"

Amendment adopted.

AMENDMENT No. 3

On page 1, line 1 of the printed bill, omit the words "the direct primary law", and insert in lieu thereof the following "An Act entitled 'An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator,' and to repeal an Act entitled 'An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express

their choice at such primary elections for United States Senator, approved March 24, 1909,' approved April 7, 1911."

Amendment adopted.

AMENDMENT No. 4.

In the following named places of the printed bill, omit the words "the direct primary law" and insert in lieu thereof the words "said Act": Page 3, Section 2, line 1, page 3, Section 3, line 1; page 11, Section 4, line 1; page 12, Section 5, line 1; page 13, Section 6, line 1; page 20, Section 7, line 1; page 21, Section 8, line 1, page 22, Section 9, line 1, page 24, Section 10, line 1.

Amendment adopted.

AMENDMENT No. 5.

On page 3, line 46 of the printed bill, at the end of line insert the words "registrar of voters or".

Amendment adopted.

AMENDMENT No. 6.

On page 3, line 51 of the printed bill, after the comma insert the words "or registrar of voters or his deputies".

Amendment adopted.

AMENDMENT No. 7.

On page 9, line 223 of the printed bill, omit the word "reapportionment" and insert in lieu thereof the word "rearrangement".

Amendment adopted.

AMENDMENT No. 8.

On page 22, lines 45 and 46 of the printed bill omit the words "show both the *total of the votes received for such person, and*", and insert in lieu thereof the words "show, for each candidate, both the total of the votes received and

Amendment adopted.

AMENDMENT No 9.

On page 2, line 14 of the printed bill, take out the comma.

Amendment adopted.

AMENDMENT No 10.

On page 5, line 49, take out the quotation marks after the word "the" and insert quotations marks before the word "a".

Amendment adopted.

AMENDMENT No 11.

On page 9, line 224 of the printed bill, take out the first comma.

Amendment adopted.

AMENDMENT No. 12.

On page 10, line 270 of the printed bill, omit the words "for such judicial office or school office".

Amendment adopted.

The following amendments were submitted by Mr. Young:

AMENDMENT No. 1.

On page 21, line 8 of the printed bill, after the word "place" insert the words "of such meeting, or at any other place permitted by law,".

Amendment adopted.

AMENDMENT No 2.

On page 26, Section 6 of the printed bill, omit lines 1 to 7, inclusive.

Amendment adopted.

AMENDMENT No. 3.

On page 26, Section 7, line 1 of the printed bill, omit the figure "7" and place in lieu thereof the figure "6".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 69—An Act regulating the appropriation of water or the use thereof; creating and establishing a state water commission; defining the duties and powers of said commission; declaring what water is unappropriated; defining the rights, remedies, and duties of appropriators of water; making an appropriation to carry out the provisions of this Act; and also repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunto; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power otherwise than provided in this Act to be a misdemeanor and providing a penalty therefor and also providing penalties for other violations of this Act; repealing all acts and parts of Acts in conflict with this Act," approved April 8, 1911, and all other Acts or parts of Acts in conflict herewith.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 69 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 69, and do now report the same back, and recommend that it do pass

HEWITT, Chairman.

Bill read second time, and ordered to engrossment and third reading

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Cogswell, Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county; providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements; providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907—was recalled from the Committee on Ways and Means.

THIRD READING OF SENATE BILLS.

Senate Bill No. 14—An Act excluding certain lands from Reclamation District No. 535, and providing for the continuance of said district as to the remaining lands within the boundaries thereof, and providing that the lands so excluded shall be liable for their just proportion of the legal indebtedness of said district, when the same shall be ascertained by law.

Bill read third time.

The question being on the adoption of the emergency clause.

The roll was called, and the emergency clause adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia

Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 36—An Act to amend Section 1837 of the Political Code, relating to the levying of district school taxes by boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 30—An Act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Bill read second time, and referred to Committee on Ways and Means.

Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as the "Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 2½.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks.

During second reading of bill, the following amendment was submitted by the committee:

On page 1 of the printed bill, strike out in line 1 all after the words "Section 1", and then down to and including the word "banking", in line 2, and insert in lieu thereof the following: "Section 12 of an Act entitled 'An Act to define and regulate the business of banking,' approved March 1, 1909".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Assembly Bill No. 44—An Act validating the formation and organization and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

Assembly Concurrent Resolution No. 4—Relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 6 of Article IV thereof, relating to the establishment of senatorial and assembly districts and the apportionment of members of Senate and Assembly—have had the same under consideration, and respectfully report the same back, with amendments and recommend that it be adopted as amended.

SUTHERLAND, Chairman.

The above ordered on file for consideration.

SECOND READING OF BILL.

Assembly Bill No. 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

During second reading of bill, the following amendments were submitted by Mr. Harlan:

AMENDMENT No. 1.

On page 2, line 30, after the word "same", insert the following: "and also the abstracts, memoranda, or notes from which it was compiled".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 3, strike out the first word "Section".

Amendment adopted.

AMENDMENT No. 3.

On page 1, line 3, strike out the word "section" after the word "any" and insert in lieu thereof the word "action".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

RECESS.

At eleven o'clock and five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until three o'clock P. M. of this day.

REASSEMBLED.

At three o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Stuckenbruck, the teacher and pupils of United States history class of the Lodi High School were granted the privilege of the floor of the Assembly for the day: Miss Crystal Harford, teacher; Emma Chapdelain, Beth Rathbun, Vera Coleman, Genevieve Morse, Carrie Ellis, Pearl Lucas, Dorothy Sargent, Clara Smith, Mabel Wilhoit, Olive White, Wren Strange, Edwin Wagner, Henry Rinn, Maurice Taylor.

Through the courtesy of the Speaker, the Misses Lois La Forge, Inez J. Irving, Mona Schroeder, and Portia Freed, pupils of the Sacramento High School, were granted the privilege of the floor of the Assembly for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following:

Assembly Bill No. 69—An Act regulating the appropriation of water or the use thereof; creating and establishing a state water commission, defining the duties and powers of said commission; declaring what water is unappropriated; defining the rights, remedies, and duties of appropriators of water; making an appropriation to carry out the provisions of this Act, and also repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated, declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor, creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control, providing for the appointment and compensation of employees and assistants to said Board of Control, limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise

than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911, and all other Acts or parts of Acts in conflict herewith

And report that the same has been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 44 with Senate Bill No. 34—An Act validating the formation and organization and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California—and report that the same are not identical.

RANDALL, Chairman.

Senate Bill No. 34 referred to Committee on Irrigation and Drainage.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation'," approved April 26, 1911—have had the same under consideration, and respectfully report the same back and recommend that it be referred to the Committee on Ways and Means.

COGHLAN, Chairman

The above reported bill referred to the committee on Ways and Means.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Joint Resolution No. 4—Relative to the election of President and Vice-President of the United States by a direct popular and nation-wide vote

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 4 read, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following

Assembly Concurrent Resolution No. 2—Approving charter of the city of Sacramento, county of Sacramento, State of California, voted for and ratified by the

qualified electors of said city at a general election therein on the 7th day of November, 1911.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly Concurrent Resolution No. 2 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following

Assembly Bill No 20—An Act to amend Section 2185c of the Political Code of the State of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly Bill No. 20 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following

Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 17th day of October, 1911.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly Concurrent Resolution No. 1 ordered to enrollment.

THIRD READING OF BILLS.

Assembly Concurrent Resolution No. 4—Relative to the printing on stationery of state offices, an invitation in behalf of the State of California to participate in the Panama-Pacific International Exposition

Assembly concurrent resolution read, on motion adopted, and ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 4.

Relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition.

WHEREAS, The Panama-Pacific International Exposition is to be held in the city and county of San Francisco in the year 1915, having received the recognition of the Federal Government, and being in part financed by the State of California, and the Panama-California Exposition is to be held in the city of San Diego in the year 1915; and

WHEREAS, The people of the State of California are unitedly interested in the success of such expositions, and are desirous of lending all possible assistance towards that end; and

WHEREAS, We believe that the State of California should extend invitations to the people of the world to attend the expositions, and that by placing such an invitation upon all stationery of the State of California, and of its various offices and departments, it will reach many thousands of people outside the State, and in addition thereto will assure the people of the world that the State of California extends its well-known hospitality; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the Superintendent of State Printing be and he is hereby requested and urged to have printed the design and inscription hereinafter suggested, upon any and all stationery, letter heads, and envelopes which he may hereafter print and distribute, until January 1, 1915. The design and inscription above referred to is as follows. The words "California Invites the World" around the outside of a semi-circle; inside the semi-circle the figures 1915 in larger type

Assembly Bill No. 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such

districts; and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—64

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 7—Relative to adjournment *sine die*.

During the consideration of the resolution, the following amendment was submitted by Mr. Preisker:

In lines 3 and 4 of the printed resolution strike out the words and figures "Friday, December 15," and insert therein the words "Wednesday, December 20."

Amendment lost.

Assembly concurrent resolution passed on file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER SACRAMENTO, December 13, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

Also: Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

And report that the same have been correctly engrossed

RANDALL, Chairman.

MOTION.

Mr. Bohnett moved that the Assembly adjourn until ten o'clock A. M. of Thursday, December 14, 1911.

Motion lost.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until eleven o'clock A. M. of Thursday, December 14, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, December 14, 1911.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

Quorum present.

LEAVE OF ABSENCE.

On motion, Mr. Walker was granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Gerdes.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Randall rose to a question of personal privilege, and made the following statement:

In regard to certain articles which appeared in the morning papers criticising the conduct of the chairman of the Committee on Engrossment with regard to Assembly Bill No. 66, I desire to say that I have no apology to make to any one for what has occurred or has not occurred to this bill, or any other bill which has been referred to the Committee on Engrossment. This bill, after it had been printed, was found to contain clerical errors and was read by myself personally throughout, in order to check all errors. As errors were discovered I made pencil notations on the bill. I then returned the bill to the Engrossing Clerk with instructions to read it carefully and prepare his report. I then examined the resolution authorizing the correction of clerical errors in my committee, and decided these errors could only be corrected by amendment on the floor, and then erased the pencil notations and reported the bill exactly as it was printed.

COMMUNICATION.

The following was filed by the Speaker:

SHINGLE SPRINGS, CALIFORNIA, December 13, 1911.

MR. ED WHYTE, *Sergeant-at-Arms, Assembly, Sacramento, Cal.*:

Will you please transmit to Assembly body invitation to attend the California University Demonstration Train, which will be on exhibition at Sacramento 3:30 to 5:30 P. M. to-morrow, Thursday.

JAS. O'GARA.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof, to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures, to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standard of weights and measures providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers; and making an appropriation to carry this Act into effect—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

DENEGRI, Chairman.

The above reported bill ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 8—Relative to extending an invitation to the Congress of the United States relative to the inspection of the rivers and harbors of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

FREEMAN, Chairman.

The above reported Senate joint resolution ordered on file for consideration.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149c and 4149f, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

Also: Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California relating to the salaries and fees of officers in counties of the third class.

Also: Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

Also: Senate Bill No. 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

Also: Senate Bill No. 43—An Act to amend Section 4020 of the Political Code of California, relating to consolidation of county offices.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 13, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following

Senate Concurrent Resolution No. 2—Relative to Joint Rules of the Senate and Assembly.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 4 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 6 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 22 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 42 read first time, and referred to Committee on County and Township Governments.

Senate Bill No 43 read first time, and referred to Committee on County and Township Governments.

Senate Concurrent Resolution No. 2 read, and referred to Committee on Rules and Regulations.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 6 of Article IV thereof, relating to the establishment of senatorial and assembly districts and the apportionment of members of Senate and Assembly.

During the consideration of Assembly constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No 1.

On line 37, page 2 of the printed resolution, after the word "county" strike out all of lines 37 and 38 and down to and including the word "more" on line 39.

Roll call regularly demanded.

The roll was called, and amendment adopted by the following vote:

AYES—Messrs Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Chandler, Cronin, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—42.

NOES—Messrs Butler, Callaghan, Cattell, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Hinshaw, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Rimbinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, and Walsh—28.

AMENDMENT No 2.

On line 40, page 2 of the printed resolution strike out the words "two ratios" and in lieu thereof insert the words "one ratio".

Amendment adopted.

AMENDMENT No. 3.

On line 44, page 2 of the printed resolution, strike out the word "on" and in lieu thereof insert the word "in".

Amendment adopted.

AMENDMENT No. 4.

On line 59, page 3 of the printed resolution, strike out all of the line following the word "representation" and also all of line 60 down to and including the word "be", and in lieu thereof insert the following "in accordance with the provisions of this section".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for consideration.

SECOND READING OF BILLS.

Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095*a*, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

On page 1, Section 1, line 3 of the printed bill, strike out the word "shall" and all of the balance of line 3, and also lines 4 and 5, and all of line 6 down to and including the word "said" in said line 6.

Amendment adopted.

AMENDMENT No 2

On page 1, line 8, strike out the word "alternately"

Amendment adopted.

AMENDMENT No 3

On page 2, line 11, strike out the word "numbers" where it appears after the word "said" and insert in lieu thereof the word "number".

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 17, strike out the word "no" and all of the balance of the line, and also lines 18, 19, 20, 21, and line 22, down to and including the period after the word "them", and insert in lieu thereof the following "Each deputy clerk, deputy registrar, or registration clerk shall receipt to the clerk or registrar for all books or pads issued to him, specifying the numbers of the affidavits received by him, and he shall be charged with the same until he returns and files the same".

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 31, insert after the word "deputies" the words "or registration clerks".

Amendment adopted.

AMENDMENT No. 6.

On page 2, lines 35 and 36, strike out the words "or other person charged with the duty of registration" and insert in lieu thereof the words "or registrar of voters".

Amendment adopted.

AMENDMENT No. 7.

On page 2, line 41, after the word "deputies" insert the words "or registration clerks".

Amendment adopted.

AMENDMENT No. 8.

On page 1, line 8, strike out the word "sheet" and insert in lieu thereof the word "original".

Amendment adopted.

AMENDMENT No. 9.

On page 2, line 12, strike out the word "stubs" and insert in lieu thereof the word "stub".

Amendment adopted.

AMENDMENT No. 10.

On page 2, line 15, after the period, insert the words "The numbering shall begin anew with each new registration".

Amendment adopted.

AMENDMENT No. 11.

On page 2, line 23, strike out the word "both".

Amendment adopted.

AMENDMENT No. 12.

On page 2, line 24, strike out the words "and to the duplicate".

Amendment adopted.

AMENDMENT No. 13.

On page 2, line 29, strike out the word "stubs" and in lieu thereof insert the word "stub".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registrations of voters.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS.

Assembly Concurrent Resolution No. 7—Relative to adjournment *sine die*.

Assembly concurrent resolution withdrawn and ordered stricken from the file, with consent of author.

Assembly Concurrent Resolution No. 8—Relative to adjournment *sine die*.

Assembly concurrent resolution withdrawn, and ordered stricken from the file, with consent of author.

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

During the third reading of the bill, Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 63, on page 8 of the printed bill, strike out the word "Imperial" and insert in lieu thereof the following "Orange".

Also: In line 65, on page 8 of the printed bill, after the words "San Diego," insert the following "and Imperial".

Also: In line 7, page 21, Section 62 of the printed bill, strike out the following: "four, five, and six,".

Also: In line 7, page 21, Section 62 of the printed bill, before the word "three" insert the following: "and".

Also: In line 8, page 21, Section 62 of the printed bill, strike out the word "and".

Also: In line 8, page 21, Section 62 of the printed bill, before the word "Lankershim" insert the following "four, five, and six,".

Also: On page 24, Section 73, line 16, after the word "and", strike out the word "Wilmington" and insert in lieu thereof the following "all that portion of the Wilmington precinct not included within the corporate limits of the city of Long Beach".

SUBSTITUTE MOTION.

Mr. Butler moved as a substitute that the bill be re-referred to Committee on Reapportionment for further consideration.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beatty, Benedict, Butler, Callaghan, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Hinkle, Hinshaw, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, and Walsh—31.

NOES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Chandler, Clark, Cronin, Crosby, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Jasper, Jones, Judson, Kehoe, Maher, Malone,

McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wythe, and Mr. Speaker—45.

Motion to appoint select committee carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 66, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 69—An Act regulating the appropriation of water or the use thereof; creating and establishing a state water commission; defining the duties and powers of said commission; declaring what water is unappropriated; defining the rights, remedies, and duties of appropriators of water; making an appropriation to carry out the provisions of this Act; and also repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunto; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years, limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power otherwise

than provided in this Act to be a misdemeanor and providing a penalty therefor and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911, and all other Acts or parts of Acts in conflict herewith.

SPECIAL ORDER SET.

Mr. Held moved that the consideration of Assembly Bill No. 69 be made a special order for Friday, December 15, 1911, at eleven o'clock A. M.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Brown, Butler, Chandler, Cronin, Farwell, Freeman, Gaylord, Griffiths, Guill, Hall, Hayes, Held, Hinshaw, Jasper, Jones, Kehoe, Lamb, Lynch, Maher, Malone, March, McGowen, Mendenhall, Mott, Polsley, Rogers of Alameda, Rosendale, Rutherford, Stuckenbruck, Tibbits, Williams, Wyllie, and Mr. Speaker—37.

NOES—Messrs. Beatty, Bliss, Bohnett, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Hamilton, Harlan, Hinkle, Joel, Judson, Kennedy, McDonald, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, Walsh, and Wilson—36

Assembly Concurrent Resolution No. 9—Relative to adjournment *sine die*.

Assembly concurrent resolution withdrawn, and ordered stricken from the file, with consent of author.

Assembly Concurrent Resolution No. 10—Relative to adjournment *sine die*.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 10 refused adoption by the following vote:

AYES—Messrs. Beckett, Bishop, Chandler, Crosby, Freeman, Gaylord, Griffiths, Guill, Hall, Harlan, Held, Jones, Lynch, Maher, March, Mendenhall, Nolan, Preisker, Rimlinger, Rutherford, Schmitt, Slater, Stevenot, and Williams—24.

NOES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, McDonald, McGowen, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Smith, Stuckenbruck, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—50.

SECOND READING OF BILL.

Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 1—An Act to amend sections one, three, four, nine, ten and eleven of an Act known as the "Building and Loan Commission Act," Chapter 354, Laws of 1911, approved April 5, 1911, relating to the powers and duties of the Building and Loan Commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

QUESTION OF PERSONAL PRIVILEGE.

Mr Cogswell rose to a question of personal privilege, and explained the delay in Assembly Bill No. 13, stating that the bill had not yet reached the Committee on Ways and Means.

QUESTION OF PERSONAL PRIVILEGE

Mr. Jones rose to a question of personal privilege, and stated that in speaking of the delay in the action of the Committee on Ways and Means in its action on Assembly Bill No. 13 he had been mistaken in the matter due to his misreading the history of the bill.

SECOND READING OF SENATE BILLS.

Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

During second reading of bill, the following amendment was submitted by the committee:

At the end of line 16 in the printed bill, as amended December 8, 1911, insert the following words: "Such canvass may be made at such place in the county or city and county as the board may by order entered in its minutes designate and declare to be a necessity; *provided*, that where it shall be made at a place other than the usual place of meeting of such board, the place shall be open to the public and the canvass must be made in public, and the said board shall cause public notice to be

posted at the usual place of meeting of said board in a conspicuous place for at least three (3) days before the time for making such canvass, and during all the time while such canvass is being made, which notice shall state clearly and fully the designation and description of the place where such canvass will be made and conducted."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

During second reading of bill, the following amendment was submitted by the committee:

After the word "used", in line 80, page 3, insert the following words: "The ballot may be placed upon the machine so the columns will extend either vertically or horizontally, if in all other respects save as to the said blank spaces the ticket is in the form and order which would exist if the election were held by ballot and without a voting machine."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

THIRD READING OF BILL.

Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 30 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—73.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bill:

Assembly Bill No 56—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, and to provide for the acquisition or construction by said district of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts—and report that the same has been correctly engrossed.

RANDALL, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until seven o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

COMMUNICATION.

The following communication was filed by the Speaker, and ordered printed in the Journal:

SAN FRANCISCO, December 14, 1911.

A. H HEWITT, *Speaker of Assembly, Sacramento, California*:

We earnestly urge that the reapportionment of San Francisco legislative districts should not be determined by the wishes of any interest or legislator desiring control or reelection; that instead of the proposed distortion of districts they be left impact and regular in shape and as nearly along present lines as possible. The new apportionment should be based upon the assumption that the outlying residence districts will greatly increase in population within the next ten years. The proposed plan, on the contrary, gives the undesirable element excessive legislative representation and power to the detriment of good government Senatorial districts should be made up, as heretofore, of two entire assembly districts and not of fragments of from three to five as proposed Committee representing progressive Republican clubs desires to be heard before appropriate legislative committees some evening convenient to all

(Signed) C H. BENTLEY,
J. H. McCALLUM,
HENRY T SMITH,
J J PRATT,
W W. WATSON,
J. E WHITE,
I M GOLDEN,
PAUL BANCROFT,
GEO E CROTHERS,
Committee

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON IRRIGATION AND DRAINAGE

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911

MR. SPEAKER Your Committee on Irrigation and Drainage, to whom was referred Senate Bill No 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California—have had the same under consideration, and respectfully report the same back with recommendation that it do pass.

LYON of Los Angeles, Chairman

The above reported bill ordered on file for second reading.

ON REAPPORTIONMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER: Your Committee on Reapportionment, to whom was referred Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BOHNETT, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read·

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following.

Senate Bill No 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Also: Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature, for the month of December, 1911, and appropriating money therefor.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 5 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 32 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 38 read first time, and referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No 28—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections twelve and twelve *a* thereof, relating to the corporate names of associations other than banks

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 24—An Act to amend section four thousand and twenty-three of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Also: Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Joint Resolution No. 1—Relative to petitioning Congress to appropriate one million ($1,000,000) dollars for the improvement of Yosemite National Park.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly joint resolution ordered to enrollment.

RE-REFERENCE OF BILL.

On motion of Mr. Lyon of Los Angeles, Assembly Bill No. 59 was re-referred to Committee on Irrigation and Drainage.

INTRODUCTION OF ASSEMBLY CONCURRENT RESOLUTION.

The following was introduced, and referred as indicated:

By Mr. Bohnett: Assembly Concurrent Resolution No. 11—Relative to printing of statutes of thirty-ninth (extra) session of Legislature.

Read, and referred to Committee on Commissions and Public Expenditures.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registration of voters.

Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled an Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909," approved April 7, 1911.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Also: Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

Also: Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

TELFER, Chairman.

The above reported bills ordered on file for second reading.

SECOND READING OF BILLS—(CONTINUED).

Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

During the second reading of bill, the following amendment was submitted by Mr. Clark:

On page 8, line 64 of the printed bill, omit the word "or", and insert in lieu thereof the word "of".

Amendment adopted.

Bill read second time, and ordered to reprint, reëngrossment, and third reading.

Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registrations of voters.

During second reading of bill, the following amendments were submitted by Mr. Clark:

AMENDMENT No. 1.

On page 2, line 1 of the printed bill, after the word "section", omit the figure "1" and insert in lieu thereof the figure "2".

Amendment adopted.

AMENDMENT No. 2.

On page 2, lines 12 and 13 of the printed bill, omit the comma and all following from the word "and" to and including the word "would", and insert in lieu thereof the words "next preceding the time of application, and that he will have resided in the State one year, and in the county or city and county ninety days, and in the precinct thirty days next preceding the next ensuing election, and that he is or will".

Amendment adopted.

AMENDMENT No. 3.

On the form of affidavit of registration, line 2 at the top, omit the word "city" where it first occurs, and insert the word "county".

Amendment adopted.

AMENDMENT No. 4.

On the form of affidavit of registration, line 4 at the top, omit the words "the next ensuing" and insert in lieu thereof the words "said next succeeding".

Amendment adopted.

AMENDMENT No. 5.

In statement numbered 11 of the affidavit of registration, after the period, insert the words "It has not been revoked".

Amendment adopted.

AMENDMENT No. 6.

In statement 12 of the affidavit of registration, change "my" to "his" both times such word "my" occurs, and also change "I" to "that he".

Amendment adopted.

AMENDMENT No. 7

In statement 14 of the affidavit of registration, omit the word "said", and insert in lieu thereof "That said", and change "my" to "her".

Amendment adopted.

AMENDMENT No. 8.

Place statement 16 after statements numbers 17 and 18 of affidavit of registration and renumber in consecutive order Also place under the new statement 18

(relating to November 6, 1894,) the following in small type and enclosed in parentheses: "(To be answered in case either 16 or 17 is answered negatively)".

Amendment adopted.

AMENDMENT No. 9.

In the first line of statement No. 13 of affidavit of registration, after the word "marriage", omit the period and insert the following: "to a citizen of the United States, or a person who became a citizen of the United States by naturalization, and that such citizenship has not been lost".

Amendment adopted.

AMENDMENT No. 10.

In statement 19 of affidavit of registration, omit the period and place in lieu thereof a comma, followed by the words: "by reason of physical disability, viz._____ _____, continuing the dotted line to the end of the line. Also place under this statement in small type and enclosed in parentheses the words: "(*If first blank is filled out by word 'not,' state nature of disability in second blank*)".

Amendment adopted.

AMENDMENT No. 11.

Omit statement number 20 of the affidavit of registration and place the figures "20" instead of "21" in the next statement.

Amendment adopted.

AMENDMENT No. 12.

In the new statement number 20 of the affidavit of registration, omit the words "and in this State one year".

Amendment adopted.

AMENDMENT No. 13.

In the new statement number 20 of the affidavit of registration, after the words "and will have resided" insert the words "in this State one year, and". Also in same statement place a comma after the word "county".

Amendment adopted.

AMENDMENT No. 14.

In statement number 11 of the affidavit of registration, omit the word "Said", and place in lieu thereof the words "That said", and change the word "my" to "his".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

RECESS.

At seven o'clock and fifty-five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until eight o'clock and ten minutes of this day.

REASSEMBLED.

At eight o'clock and ten minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Joint Resolution No. 2—Relating to the Simmons National Quarantine Act, now before Congress.

Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public high-

ways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

Assembly Bill No. 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Feeley, Mr. P. J. McCormick was granted the privilege of the floor of the Assembly for the day.

Through the courtesy of Mr. Denegri, Mr. Joseph Granera was granted the privilege of the floor of the Assembly for the day.

MOTION.

Mr. McDonald moved that the Assembly adjourn until ten o'clock A. M. of Friday, December 15, 1911.

Mr. Gerdes moved as an amendment that the time be eleven o'clock A. M.

Amendment lost.

ADJOURNMENT.

At eight o'clock and fifteen minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until ten o'clock A. M. of Friday, December 15, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, December 15, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Benninк, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—78.

Quorum present.

LEAVE OF ABSENCE.

On motion, Messrs. Walker and Griffin were granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Gerdes.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bill:

Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class—and report that the same has been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 3—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 20 thereof

Also: Assembly Bill No. 29—An Act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the State Controller, and for the recording of such bonds in the office of the State Controller.

And were presented to the Governor December 14, 1911, at two o'clock and thirty minutes P. M.

RANDALL, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

Also: Assembly Bill No. 63—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

YOUNG, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 68—An Act to amend section eleven hundred and twenty of the Political Code, relating to registration and the qualification of voters—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149c and 4149f providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office.

Also: Senate Bill No. 42—An Act to amend Section 4017 of the Political Code with reference to the consolidation of county offices.

Have had the same under consideration, and respectfully report the same back, with amendments, without recommendation.

ROGERS of Alameda, Chairman.

SECOND READING OF SENATE BILL—(OUT OF ORDER).

By unanimous consent, the above reported Senate bills were taken up for second reading.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149*e* and 4149*f*, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 6 of the title, strike out the period after the word "office" and add the following "and the compensation to be paid such registrar in the various classes of counties"

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 4, after the word "county" insert the following: "at its first meeting in April, 1912."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 17, after the word "officers", strike out the semicolon and all the rest of line 17 and lines 18, 19, 20, 21, 22, 23, 24, and 25, and insert in lieu thereof a period and add the following: "The salary of the registrar in counties of the first class shall be twenty-four ($24 00) dollars per annum.

In counties of the second class the registrar shall be allowed such salaries and deputies as are now or may hereafter be provided by law.

In counties of the third class the registrar shall be allowed such salaries and deputies as are now or may hereafter be provided by law.

The salary of the registrar in counties of the fourth class shall be twenty-four ($24.00) dollars per annum

The salary of the registrar in counties of the fifth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the sixth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the seventh class shall be twenty-four ($24 00) dollars per annum

The salary of the registrar in counties of the eighth class shall be twenty-four ($24 00) dollars per annum

The salary of the registrar in counties of the ninth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the tenth class shall be twenty-four ($24.00) dollars per annum

The salary of the registrar in counties of the eleventh class shall be twenty-four ($24 00) dollars per annum

The salary of the registrar in counties of the twelfth class shall be twenty-four ($24 00) dollars per annum In addition to such salary in counties of this class the registrar shall receive from the county the sum of twelve and one half cents for each name registered.

The salary of the registrar in counties of the thirteenth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the fourteenth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifteenth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the sixteenth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the seventeenth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the eighteenth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the nineteenth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the twentieth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the twenty-first class shall be twenty-four ($24.00) dollars per annum

The salary of the registrar in counties of the twenty-second class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the twenty-third class shall be twenty-four ($24 00) dollars per annum

The salary of the registrar in counties of the twenty-fourth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the twenty-fifth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the twenty-sixth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the twenty-seventh class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the twenty-eighth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the twenty-ninth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the thirtieth class class be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the thirty-first class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the thirty-second class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the thirty-third class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the thirty-fourth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the thirty-fifth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the thirty-sixth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the thirty-seventh class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the thirty-eighth class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the thirty-ninth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fortieth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the forty-first class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the forty-second class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the forty-third class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the forty-fourth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the forty-fifth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the forty-sixth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the forty-seventh class shall be twenty-four ($24 00) dollars per annum.

The salary of the registrar in counties of the forty-eighth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the forty-ninth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fiftieth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifty-first class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifty-second class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifty-third class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifty-fourth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifty-fifth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifty-sixth class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifty-seventh class shall be twenty-four ($24.00) dollars per annum.

The salary of the registrar in counties of the fifty-eighth class shall be twenty-four ($24.00) dollars per annum.

In any case where the county clerk is now allowed fees, or compensation, or assistance for the registration of voters, such fees, compensation and assistance shall continue to be received by the registrar of voters, and the right of the county clerk to receive the same shall thereupon cease, except where otherwise provided by law.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 42—An Act to amend Section 4017 of the Political Code with reference to the consolidation of county offices.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 7, after the word "clerk", strike out the semicolon and insert in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 11, after the word "coroner", add the following: "Whenever any elective and appointive office shall be consolidated and the elective office shall at that time have an incumbent, such incumbent shall continue to perform the duties of such consolidated offices during the remainder of the term for which he was elected or appointed, and such consolidated offices shall thereafter be filled by election at the time and for the purpose for which other county officers are elected. If more than one elective office shall be consolidated and such offices shall then have incumbents the board of supervisors shall designate which of such incumbents shall continue to perform the duties of such consolidated offices."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

THIRD READING OF BILLS.

Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled 'An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary election for United States Senators,' approved March 24, 1909, said Act being otherwise designated as the direct primary law," approved April 7, 1911.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 65 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot,

Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 15 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Jones, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, March, McDonald, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—52

NOES—Messrs Beckett, Benedict, Brown, Butler, Chandler, Flint, Guill, Held, Hinshaw, Rosendale, Stevenot, Stuckenbruck, and Sutherland—13.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county; providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements: providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 17 passed by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr Speaker—69

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 66 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bohnett, Brown, Chandler, Clark, Cogswell, Cronin, Crosby, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton,

Harlan, Hayes, Held, Jasper, Jones, Judson, Kehoe, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—Messrs Beatty, Benedict, Bliss, Butler, Callaghan, Cattell, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Hinkle, Hinshaw, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, and Walsh—33.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Cogswell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 66 was this day passed.

RECESS.

At twelve o'clock M., on motion of Mr. Ryan, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

SPECIAL ORDER.

The time for the consideration of special orders having arrived, the special order heretofore set for this day was taken up for consideration.

Assembly Bill No. 69—An Act regulating the appropriation of water or the use thereof; creating and establishing a state water commission; defining the duties and powers of said commission; declaring what water is unappropriated; defining the rights, remedies, and duties of appropriators of water; making an appropriation to carry out the provisions of this Act; and also repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunto; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation

of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power otherwise than provided in this Act to be a misdemeanor and providing a penalty therefor and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911, and all other Acts or parts of Acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 refused passage by the following vote:

AYES—Messrs. Bliss, Bohnett, Cattell, Chandler, Cronin, Fitzgerald, Flint, Harlan, Jasper, Joel, Judson, Kehoe, McDonald, Randall, Rogers of Alameda, Smith, Stevenot, Sutherland, Telfer, Wilson, Wyllie, and Young—22

NOES—Messrs Beckett, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Tibbits, Walsh, Williams, and Mr. Speaker—52.

NOTICE OF MOTION TO RECONSIDER.

Mr. Clark gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 69 was this day refused passage.

SPEAKER PRO TEM. IN CHAIR.

At three o'clock and thirty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Assembly Bill No. 56—An Act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 56 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford,

Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, and Wyllie—61.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 67 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, and Wyllie—59
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffith, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Wyllie, and Young—56
NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," (approved March 20, 1903).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wyllie, and Young—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

Bill referred to Committee on Ways and Means.

Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attend-

ing physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.

Bill read second time, and ordered on file for third reading

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 27—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Senate Bill No. 27 read first time and referred to Committee on Reapportionment.

Also:

SENATE CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on December 14, 1911, adopted the following:

Senate Joint Resolution No. 6—Relative to a canal constructed from the San Joaquin River near Pollasky, in Fresno County, to a point in San Joaquin County near Stockton.

Also: Senate Joint Resolution No. 10—Relating to the Simmons National Quarantine Act, now before Congress.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above joint resolution referred to Committee on Federal Relations

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following:

Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095*a*, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

Also: Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 6 of Article IV thereof, relating to the establishment of senatorial and assembly districts and the apportionment of members of Senate and Assembly.

Also: Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bill:

Assembly Bill No 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registration of voters—and report that the same has been correctly engrossed.

RANDALL, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ROGERS of Alameda, Chairman

The above reported bill ordered on file for second reading

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Concurrent Resolution No. 11—Relative to printing of statutes of thirty-ninth extra session of the Legislature—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

DENEGRI, Chairman

The above reported Assembly concurrent resolution ordered on file for consideration.

ON CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No 54—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

JOEL, Chairman

SECOND READING OF BILL—(OUT OF ORDER).

Mr. Preisker asked for, and was granted, unanimous consent to have Assembly Bill No 54 taken up for second reading.

Assembly Bill No. 54—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1 line 3 of the title of the printed bill, insert the word "or" after the comma following the word "county".

Amendment adopted

AMENDMENT No. 2.

On page 1, line 3 of the title of the printed bill, insert a comma after the word "town".

Amendment adopted.

AMENDMENT No. 3.

On page 1, line 5 of the title of the printed bill, insert a comma after the word "town".

Amendment adopted.

AMENDMENT No. 4.

On page 1, line 8 of the title of the printed bill, strike out the word "voters" and insert in lieu thereof the following: "qualified electors".

Amendment adopted.

AMENDMENT No. 5.

On page 1, line 8 of the title of the printed bill, insert a comma after the word "county".

Amendment adopted.

AMENDMENT No. 6.

On page 1, line 9 of the title of the printed bill, insert a comma after the word "town".

Amendment adopted.

AMENDMENT No. 7.

On page 1, line 10 of the title of the printed bill, insert a comma after the word "county".

Amendment adopted.

AMENDMENT No. 8.

On page 1, line 11 of the title of the printed bill, strike out the word "voters" and insert in lieu thereof the following: "qualified electors"

Amendment adopted.

AMENDMENT No. 9.

On page 1, Section 1, line 3 of the printed bill, strike out all of the line to and including the comma after the word "classes" and insert in lieu thereof the following. "ing any one or more classes"

Amendment adopted.

AMENDMENT No. 10.

On page 1, Section 1, line 5 of the printed bill insert a comma after the word "California".

Amendment adopted.

AMENDMENT No. 11.

On page 1, Section 1, line 7 of the printed bill, strike out the words "by vote".

Amendment adopted.

AMENDMENT No. 12

Strike out all of the printed bill after Section 1 thereof, and insert in lieu thereof the following:

SEC 2 The term "municipal corporation," as used in this Act, shall be construed to mean a city and county, or an incorporated city or town. The term "legislative body," as used in this Act, shall be construed to mean the board of supervisors, municipal council, commission or other legislative or governing body of a municipal corporation

SEC. 3. The terms "railroad corporation," "street railroad corporation," "common carriers," "gas corporation," "electrical corporation," "water corporation," "telephone corporation," "telegraph corporation," "wharfinger," warehouseman" and "public utility," as used in this Act, shall severally have the same meaning as is given to them, respectively, in Section 2 of the Act known as the "Public Utilities Act."

SEC. 4. The question whether any municipal corporation shall retain its powers of control respecting one or more classes of public utilities may be submitted to the qualified electors of such municipal corporation at a general municipal election or at a special election held therein in pursuance of an ordinance of intention adopted by the vote of three fifths of all the members of the legislative body of such municipal

corporation, declaring that the public interest requires the holding of such election, and declaring the intention of such legislative body to so submit such question, or in pursuance of a petition of qualified electors of such municipal corporation, as hereinafter provided. Such ordinance of intention or such petition, as the case may be, shall contain the propositions proposed to be so submitted, as set forth in Section 6 of this Act. Such petition shall be signed by qualified electors of such municipal corporation, equal in number to ten per centum of such qualified electors, computed upon the total number of votes cast in such municipal corporation for all candidates for Governor at the last preceding general election prior to the filing of such petition at which a Governor was elected. Such petition may consist of separate papers; *provided*, that if any paper consists of more than one sheet, it shall be securely fastened together at the top. The signatures need not all be appended to one sheet or paper. Each such paper shall have attached thereto, at the bottom of the last sheet thereof, the affidavit of a qualified elector of such municipal corporation, stating that all of the signatures on each sheet thereof were made in his presence, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name purports to be thereto subscribed. Such petition shall be filed with the clerk of the legislative body of such municipal corporation. Within ten days from the date of the filing of such petition, said clerk shall examine the petition and ascertain from the record of the registration of the electors of the city and county, or of the county in which such municipal corporation is situated, whether the petition is signed by the requisite number of the qualified electors of such municipal corporation; and if requested by said clerk, the said legislative body of said municipal corporation shall authorize him to employ persons specially to assist him in the work of examining such petition and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result of such examination. If, from such examination, said clerk shall find that said petition is signed by the requisite number of qualified electors, he shall certify that the same is sufficient; but if from such examination, he shall find that said petition is not signed by such requisite number of qualified electors, he shall certify to the number of qualified electors signing such petition and to the number of qualified electors required to make such petition sufficient If by the certificate of said clerk the petition is shown to be insufficient, it may be amended by filing a supplemental petition within ten days from the date of such certificate. Said clerk shall, within ten days from the filing of such supplemental petition, make like examination of the same and certify to the result of such examination as hereinbefore provided. If the certificate of the clerk shall show any such petition, or any such petition together with a supplemental petition, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the clerk, such petition, or such petition together with a supplemental petition, is shown to be sufficient, the clerk shall forthwith present the same to the legislative body of such municipal corporation. The sufficiency or insufficiency of such petition shall not be subject to review by such legislative body. After the election held in pursuance of such petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. In any city and county having a board of election commissioners and a registrar of voters, the clerk of the legislative body thereof shall immediately upon the filing of any petition with him, transmit the same to such board of election commissioners, who shall forthwith deliver such petition to said registrar of voters, who shall perform all the duties herein required to be performed in other municipal corporations by the clerk of the legislative body thereof, respecting the examination and certification of such petition. Such registrar of voters shall, upon making his certificate, forthwith return said petition to said clerk, who shall thereupon present such petition and the certificate thereto attached to the legislative body of such municipal corporation as hereinbefore in this section provided.

SEC. 5. Upon the adoption of such ordinance of intention, or the presentation as aforesaid of such petition, the legislative body of such municipal corporation shall, by ordinance, order the holding of a special election for the purpose of submitting to the qualified electors of such municipal corporation the propositions set forth in such ordinance of intention or in such petition, which propositions shall be those set forth in Section 6 of this Act. Such special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance of intention provided for in Section 4 of this Act, or the presentation of such petition to said legislative body; *provided*, that if a general municipal election shall occur in said municipal corporation not less than twenty days nor more than sixty days after the adoption of said ordinance of intention or the presentation of said petition to said legislative body, said propositions may be submitted at such general municipal election, in the same manner as other propositions are required by law to be submitted at general municipal elections in such municipal corporation. Every special election held in any municipal corporation under the provisions of this Act, shall be called by the legislative body thereof, by ordinance, which shall specify the propositions to be submitted at such election and the date thereof, and, where provision is not otherwise made by law, shall establish the election precincts therefor and designate the polling places therein, and the names of the election officers for each such precinct.

Such ordinance shall, prior to such election, be published five times in a daily newspaper printed and published in such municipal corporation, or twice in a weekly newspaper printed and published therein, if there be no such daily newspaper; *provided*, that if no such daily or weekly newspaper be printed and published in such municipal corporation, the clerk of said legislative body shall post a copy of said ordinance in three public places in such municipal corporation at least ten days prior to such election. The propositions submitted under this section at any general municipal election or at any special election shall be the same as those set forth in Section 6 of this Act

SEC. 6. The ballots to be used at any general municipal election or at any special election, at which is submitted the question whether a municipal corporation shall retain its powers of control respecting public utilities shall have printed thereon, in addition to the other matters required by law, the following propositions:

"Proposition No. 1. Shall _____ (name of municipal corporation) retain its powers of control over railroad corporations?"

"Proposition No. 2. Shall _____ (name of municipal corporation) retain its powers of control over street railroad corporations?"

"Proposition No 3 Shall _____ (name of municipal corporation) retain its powers of control over common carriers other than railroad and street railroad corporations?"

"Proposition No. 4 Shall _____ (name of municipal corporation) retain its powers of control over gas corporations?"

"Proposition No. 5. Shall _____ (name of municipal corporation) retain its powers of control over electrical corporations?"

"Proposition No. 6. Shall _____ (name of municipal corporation) retain its powers of control over telephone corporations?"

"Proposition No 7. Shall _____ (name of municipal corporation) retain its powers of control over telegraph corporations?"

"Proposition No 8 Shall _____ (name of municipal corporation) retain its powers of control over water corporations?"

"Proposition No 9. Shall _____ (name of municipal corporation) retain its powers of control over wharfingers?"

"Proposition No 10. Shall _____ (name of municipal corporation) retain its powers of control over warehousemen?"

Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any voter desiring to vote in favor of the retention of the powers of control of such municipal corporation respecting any particular class of public utility, shall stamp a cross (×) in the voting square after the printed word "Yes" opposite the proposition as to such class, and any voter desiring to vote against the retention of such powers of such municipal corporation respecting any particular class of public utility, shall stamp a cross (×) in the voting square after the printed word "No" opposite such proposition.

SEC. 7. If the propositions specified in Sections 6 of this Act shall have been submitted at a special election in any municipal corporation, then the legislative body or other body or board charged with the duty of canvassing the returns and declaring the result of elections in such municipal corporation, shall meet at their usual place of meeting on the first Monday after such election to canvass the returns and declare the result thereof. Immediately upon the completion of such canvass, or upon the completion of the canvass of the returns of any general municipal election at which such propositions shall have been submitted, such legislative body or other body or board charged with said duty shall make an order declaring the result of the election upon such propositions and shall cause the same to be entered upon its minutes, which order shall show the total number of votes cast upon each such proposition, and the number of votes cast respectively in favor of and against each such proposition. If it shall appear from the result of such election, as so declared, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted, as provided in Section 5 of this Act, shall have voted to retain the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have elected to retain such powers of control respecting such class of public utility, and such powers shall be exercised by such municipal corporation until the same may be surrendered as hereinafter provided; and if it shall appear from the result of such election, as so declared, that a majority of such qualified electors so voting on any such proposition shall have voted not to retain such powers respecting any class of public utility, such municipal corporation shall be deemed to have elected not to retain such powers of control respecting such class of public utility, and such power of control shall thereafter vest in and be exercised by the Railroad Commission as provided by law. Immediately upon the entry of the order declaring the result of the election as to such proposition, the clerk of the legislative body or the registrar of voters in any municipal corporation having a board of election commissioners and a registrar of voters, shall make copies, in duplicate, of such order, and shall attach to each such copy his certificate under the seal, if any, of such municipal corporation, or of such board of election commissioners, certifying that the same is a true and correct copy of such order Said

clerk or registrar of voters, as the case may be, shall forthwith file one of said copies in the office of the Railroad Commission of the State of California and the other in the office of the Secretary of State. Immediately upon the filing of such certified copy of such order in the office of the Railroad Commission, the powers of control theretofore vested in such municipal corporation over any class or classes of public utilities which a majority of the qualified electors of such municipal corporation voting thereof shall have voted not to retain, as shown by such order shall thereupon vest in and be exercised by the Railroad Commission, until such municipal corporation shall reinvest itself with such powers of control as hereinafter provided.

SEC. 8. Any municipal corporation which shall have voted to retain the powers of control vested therein respecting any class or classes of public utilities, or which may have reinvested itself with such power, as hereinafter provided, may thereafter surrender its powers of control as to such class or classes of public utilities at a general municipal election or a special election therein, called for that purpose. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each of the classes of public utilities as to which such municipal corporation may theretofore have voted to retain its powers of control or with which it may have reinvested itself. As to each of such classes of public utilities, and in addition to the other matters required by law to be printed thereon, a proposition shall be printed on the ballots to be used at such election in substantially the following form. "Shall _____ (name of municipal corporation) surrender its powers of control over _____ (here insert class of public utility) to the Railroad Commission?" Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to surrender the powers of control of such municipal corporation over any class of public utility specified on the ballot, shall stamp a cross (×) in the voting square opposite the printed word "Yes," after the proposition as to such class, and any elector desiring to vote not to surrender the powers of control of such municipal corporation over such class of public utility, shall stamp a cross (×) in the voting square opposite the printed word "No" after the proposition as to such class. The provisions of Sections 4, 5 and 7 of this Act, in so far as applicable, shall govern elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election, declared, as provided in Section 7 of this Act, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section, shall have voted to surrender the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have surrendered its powers of control as to such class of public utility to the Railroad Commission, and such powers shall thereafter vest in and be exercised by the Railroad Commission, as provided by law, upon the filing, in the office of the Railroad Commission, of a certified copy of the order declaring the result of such election until such municipal corporation shall reinvest itself with such powers as hereinafter provided; and if it shall appear from the result of such election, as declared, that a majority of such qualified electors voting on any such proposition shall have voted not to surrender such powers of control respecting any particular class of public utility, such powers of control shall continue in such municipal corporation; *provided*, that such powers of control may thereafter be surrendered by such municipal corporation at any subsequent election at which the question of such surrender may again be submitted under the provisions of this Act.

SEC. 9. Any municipal corporation that shall have surrendered to the railroad commission powers of control respecting any class of public utility may thereafter reinvest itself with such powers by a vote of the qualified electors thereof taken at a general municipal election or at a special election. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions to each class of public utility designated in the petition for such election or in the ordinance of intention. As to each such class of public utility, a proposition shall be printed on the ballot in substantially the following form: "Shall _____ (name of municipal corporation) reinvest itself with powers of control over_____ (class of public utility)?" Opposite each such proposition to be voted upon and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to reinvest such municipal corporation with powers of control respecting any class of public utility designated on the ballot shall stamp a cross (×) in the voting square after the printed word "Yes" opposite the proposition as to such class, and any elector desiring to vote not to reinvest such municipal corporation with powers respecting such class of public utility shall stamp a cross (×) in the voting square after the printed word "No" opposite such proposition. The provisions of Sections 4, 5 and 7 of this Act, in so far as applicable, shall apply to elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election, declared as provided in said Section 7, that a majority of the qualified electors of such

municipal corporation voting on any proposition submitted as provided in this section shall have voted to reinvest such municipal corporation with powers of control respecting any particular class of public utility, such municipal corporation shall be deemed to have reinvested itself with such powers, and upon the filing in the office of the Railroad Commission of a certified copy of the order declaring the result of such election, the powers of control with which such municipal corporation shall have voted to reinvest itself, as shown by such order, shall cease to be exercised by the Railroad Commission, and shall vest in and be exercised by such municipal corporation; and if it shall appear from the result of such election, as declared, that a majority of the qualified electors of such municipal corporation voting on any such proposition, as provided in this section, shall have voted not to reinvest such municipal corporation with powers of control respecting any particular class of public utility, such powers of control shall continue in and be exercised by the Railroad Commission; *provided*, that such municipal corporation may thereafter reinvest itself with such powers of control at any subsequent election at which such question may be again so submitted under the provisions of this Act.

SEC. 10. The holding of a special election or elections, or the submission of propositions at any general municipal election, under any of the provisions of this Act, shall not be construed to preclude the holding of a substantial special election or elections or the subsequent submission of propositions at a general municipal election or elections, on the question of the retention, surrender or reinvestment by a municipal corporation of its powers of control respecting any class or classes of public utilities, as in this Act provided; *provided*, that not more than one such special election shall be held within any period of twelve months.

SEC. 11. Except as otherwise in this Act provided, the holding and conducting of elections under the provisions of this Act, the form of the ballots used, the opening and closing of the polls, the canvass of the returns and the declaring of the result shall conform, as nearly as may be, to such laws as shall now or hereafter be applicable to special municipal elections held in the municipal corporation affected.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

MOTION.

Mr. Bohnett moved that the Assembly adjourn until ten o'clock A. M. of Saturday, December 16, 1911.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Flint, Freeman, Guill, Hall, Harlan, Hayes, Hinkle, Judson, Kehoe, Slater, Stevenot, Stuckenbruck, Telfer, and Young—22.

NOES—Messrs. Callaghan, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gayloid, Gerdes, Griffiths, Jasper, Kennedy, Lamb, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mendenhall, Mullally, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Smith, Walsh, Williams, and Wyllie—32.

LEAVES OF ABSENCE.

On motion, Messrs. Lynch and Preisker were granted leave of absence for Saturday, December 16, 1911.

ADJOURNMENT.

At four o'clock P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until eleven o'clock A. M. of Saturday, December 16, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, December 16, 1911.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

Quorum present.

LEAVES OF ABSENCE.

On motion, Messrs. Walker, Polsley, Bishop, Joel, Beatty, Nolan, Cronin, Hall, Rimlinger, and Stuckenbruck were granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Slater.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred sixty-nine dollars and seventy-five cents ($269.75) in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

Whiskey Hill Water Company	$54 00
Hale Bros.	21 60
Capital Furniture Company	2 25
Perkins & Co	9 00
Wahl Stationery Company	98 20
Sacramento Compressed Air Cleaning Company	4 00
Mrs. C. McCall	12 50
Wm Eberhardt	43 70
B. F. Woerner	3 00
Marian Brown	3 00
Alex Anderson	3 00
Henry E. Sleeper	14 70
L. B. Mallory	80
	$269 75

STEVENOT, Chairman

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None

INTRODUCTION OF BILL.

The following bill was introduced, and referred as indicated:

By Mr. Griffin: Assembly Bill No. 72—An Act to amend Section 31 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation and Drainage.

RE-REFERENCE OF BILL.

On motion of Mr. Rogers of Alameda, Senate Bill No. 32 was recalled from the Committee on County and Township Governments, and referred to Committee on Election Laws.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Mr. Clark moved that the vote whereby Assembly Bill No. 69 was refused passage be reconsidered.

CONSIDERATION OF MOTION POSTPONED.

On motion of Mr Coghlan, the consideration of the above motion was postponed until the next legislative day.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Bohnett moved that the vote whereby Assembly Bill No. 66 was passed be reconsidered.

MOTION TO POSTPONE.

Mr. Coghlan moved that the consideration of the motion be postponed until the next legislative day.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Benedict, Butler, Cattell, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Hinkle, Hinshaw, Kennedy, Lamb, Lyon of Los Angeles, March, McDonald, Mullally, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, and Walsh—25.

NOES—Messrs Beckett, Bennink, Bohnett, Brown, Chandler, Crosby, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Jasper, Jones, Judson, Maher, McGowen, Mendenhall, Mott, Randall, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—36.

The question being on the motion to reconsider.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Benedict, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Hinkle, Hinshaw, Kennedy, Lamb, Lyon of Los Angeles, March, McDonald, Mullally, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, and Walsh—27.

NOES—Messrs. Beckett, Bennink, Bliss, Bohnett, Brown, Chandler, Crosby, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Jasper, Jones, Judson, Kehoe, Maher, Malone, McGowen, Mendenhall, Mott, Preisker, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—39.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 64 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, McGowen, Mendenhall, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Young, and Mr Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095*a*, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 7 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Randall, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Mr Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registrations of voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald,

Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Kehoe, Kennedy, Lamb, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—56.

NOES—Messrs. Chandler and Cunningham—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 11—Relative to printing statutes of thirty-ninth extra session of Legislature.

Mr. Bohnett moved the adoption of the resolution.

Motion carried, and Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 11.

Relative to the printing of the statutes of the thirty-ninth extra session for the purpose of distribution.

WHEREAS, The laws passed and to be passed at this thirty-ninth extra session of the Legislature are of great importance; and

WHEREAS, The said laws would not appear in statute form until after the fortieth session of the Legislature; therefore be it

Resolved by the Assembly of the State of California, the Senate concurring, That the State Printer be instructed to have printed twenty-five hundred (2500) copies of said chaptered laws, suitably bound in leather, as soon after the close of this session as practical; and that the statutes be distributed by the Secretary of State according to Section 528 of the Political Code.

SECOND READING OF BILLS.

Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the figures 117, on page 1, Section 1, line 3 of the printed bill, and insert in lieu thereof the following: "The State is divided into eleven congressional districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Trinity, Siskiyou, Shasta, Tehama, Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, and Mono shall constitute the First Congressional District.

2. The counties of Mendocino, Sonoma, Marin, Lake, Glenn, Colusa, Butte, Yuba, Sutter, Yolo, and Sacramento shall constitute the Second Congressional District.

3. The counties of Napa, Solano, Contra Costa, San Joaquin, Stanislaus, and Santa Clara shall constitute the Third Congressional District.

4. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the south boundary line of the Presidio Reservation intersects the bay of San Francisco, running thence along the said line of the Presidio Reservation to Arguello boulevard, and continuing thence along the center of the following named streets: Arguello boulevard to Washington, Washington to Baker, Baker to Geary, Geary to Broderick, Broderick to Eddy, Eddy to Van Ness avenue, Van Ness avenue to Market, Market to Haight, Haight to Buchanan, Buchanan to Market, Market to Dolores, Dolores to Randall, Randall to Mission, Mission to the county line between the city and county of San Francisco and the county of San Mateo; thence westerly along said county line to the waters of the Pacific Ocean; thence along the shore of said Pacific Ocean and bay of San Francisco to the southern boundary line of the Presidio Reservation, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Fourth Congressional District.

5. All that portion of the city and county of San Francisco not included in the Fourth Congressional District shall constitute the Fifth Congressional District.

6. The county of Alameda shall constitute the Sixth Congressional District.

7. The counties of Merced, Madera, Fresno, San Benito, San Mateo, Santa Cruz, Monterey, and Kings shall constitute the Seventh Congressional District.

8. The counties of Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, and Ventura, and all of that portion of the county of Los Angeles included in the Sixty-second and Sixty-third Assembly Districts, shall constitute the Eighth Congressional District.

9. All that portion of the county of Los Angeles included in the Sixty-sixth, Sixty-seventh, Seventieth, Seventy-first, Seventy-second, and Seventy-third Assembly Districts shall constitute the Ninth Congressional District.

10. All that portion of the county of Los Angeles included in the Sixty-fourth, Sixty-fifth, Sixty-eighth, Sixty-ninth, Seventy-fourth, and Seventy-fifth Assembly Districts shall constitute the Tenth Congressional District.

11. The counties of San Bernardino, Orange, Riverside, San Diego, and Imperial shall constitute the Eleventh Congressional District.

MOTION.

Mr. Rutherford moved that the amendment be printed in the Journal, and that action on bill be postponed until Monday, December 18, 1911.

Motion carried.

Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies, and assistants.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

During second reading of bill, the following amendments were submitted by the commitee:

AMENDMENT No. 1.

In line 5 of the printed bill, after the word "names" omit the remainder of the line, and insert in lieu thereof the words "(including Christian or given name, and middle name or initial, if any), sexes, occupations, addresses, and polit".

Amendment adopted.

AMENDMENT No 2.

In line 10 of the printed bill, after the word "thereof" insert in parentheses the words "(not exceeding fifty)".

Amendment adopted.

AMENDMENT No. 3

In line 11 of the printed bill, after the period insert the following: "The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections a smaller number of such indexes may be printed."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

MOTION.

Mr. Bohnett moved that the Assembly take a recess until two o'clock P. M. of this day.

Motion lost.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 63—An Act to amend Section 1210 of the Political Code of the State of California, relating to sample election ballots.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, line 16 of the printed bill, omit the period and insert in lieu thereof a semicolon, followed by the words: "*and further provided*, that for any general election the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration, and that for any primary election the number of sample ballots printed for any party shall not exceed the total registration of such party by over twenty per cent of such registration."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 68—An Act to amend section eleven hundred and twenty of the Political Code, relating to registration and the qualification of voters.

Bill read second time, and ordered to engrossment and third reading.

RE-REFERENCE OF BILLS.

On motion of Mr. Rogers of Alameda, Senate Bills Nos. 4 and 42 were re-referred to Committee on County and Township Governments.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

CONSIDERATION OF SENATE JOINT RESOLUTION.

Senate Joint Resolution No. 8—Relative to extending an invitation to the Congress of the United States relative to the inspection of the rivers and harbors of California.

During consideration of the resolution, the following amendment was submitted by the committee:

On page 1, paragraph 6, insert after the word "*Resolved*" and before the word "That" the following: "by the Senate and Assembly of California, jointly,".

Amendment adopted.

Assembly joint resolution ordered to reprint, and on file for third reading.

MOTION.

Mr. Schmitt moved that the Assembly adjourn until eleven o'clock A. M. of Monday, December 18, 1911.

Mr. Jones moved that the motion be amended by making the time one o'clock and thirty minutes P. M.

Amendment adopted.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Mr. Schmitt, the Assembly was declared adjourned until one o'clock and thirty minutes P. M. of Monday, December 18, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, December 18, 1911.

At one o'clock and thirty minutes P. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75.

Quorum present

LEAVES OF ABSENCE

On motion, Messrs. Walker and Callaghan were granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

ADDRESS BY MR. RUTHERFORD.

Mr. Rutherford arose and addressed the Assembly as follows:

Mr. Speaker and Gentlemen of the Assembly:

Before we begin our regular deliberation to-day, I wish to call your particular attention to that new flag displayed at the left of the Speaker's station, in a position of honor second only to that occupied by our national banner, the Stars and Stripes. The Bear Flag, as you will all remember, was adopted at the last session of the Legislature as the official emblem of the State of California. The history of the Bear Flag occupies a unique place in the early history of this State, and marked the passing of the Spanish or Mexican rule in California. In 1845, the Mexican officials became extremely jealous of the increasing number of Americans in California, and in the early part of 1846 General José Castro, who was the commander of the military forces in California, issued a proclamation ordering all Americans to leave the State of California. No immediate steps were taken to enforce that order, but, about the first of June of that year, General Castro sent a party of men from Santa Clara to get a band of government horses at the San Rafael Mission. In order to reach San Rafael from Santa Clara by land, it was necessary to come as far north as the present city of Sacramento, which was then known as New Helvetia, to get across the Sacramento River. It was learned at Sacramento by the Americans that it was the intention or purpose of General Castro, in sending for the horses at San Rafael, to organize and equip a battalion of 200 mounted men to drive the Americans out of California. The Americans, on becoming aware of the purpose, gathered at the camp of John C. Frémont, who was then in California with an exploring party and located near the present city of Marysville. The Americans asked Mr. Frémont to join them in an expedition against the Mexicans, but Frémont declined to do so, though he expressed his sympathy with the undertaking and said he would remain in the vicinity to give his assistance should it be required. A party of twelve men (I believe it was twelve), under the leadership of a man by the name of Merritt, started out from Mr. Frémont's camp and intercepted Castro's men with a band of horses and took the horses from them. The men, however, were allowed to proceed on their way to Santa Clara. After taking the horses, these men gathered more Americans with them, making a party of about thirty, and then proceeded to the old town of Sonoma and took the Spanish or Mexican post at that place. These

acts had fairly constituted or started a revolution, and it became necessary to adopt a flag. After a consultation on the matter, the Americans decided to adopt a flag similar to the flag of Texas, the Lone Star State. They took a piece of white muslin and attached a red strip along the side of it and in the upper corner painted a star. Then, as distinguishing features to the flag, they added the Grizzly Bear and the words "California Republic." This formed the original Bear Flag, which was displayed over the pioneer town of Sonoma on the 14th day of June, 1846. It was but a short time after that when Commodore Sloat arrived in Monterey Bay, bringing the information that war had been declared between the United States and Mexico, and on July 6, 1846, he raised the Stars and Stripes over the old Custom House at Monterey. The Bear Flag then gave way to the Stars and Stripes.

Now, gentlemen, it was with a feeling of a great deal of pride, as a Native Son of California, that at last session I was able to ask you to vote for Senator Holohan's bill making the Bear Flag the official flag of the State of California, and I want to say also that it was a source of a great deal of satisfaction to me to have the measure which made the Bear Flag the official flag of the State of California, signed by Governor Johnson, who is a Native Son of the State of California—not only a native of California, but an executive whose excellent qualities as a Governor of this State have never been surpassed.

I feel at this time I should say that credit is due to our Sergeant-at-Arms, Edward H Whyte, and Mr. Richard Barton for starting the movement which led to the introduction by Mr. Gerdes of the resolution which resulted in the placing of that flag in that position. A flag, gentlemen, after all is but the outward or the external representation of certain principles or designs actuating men united for a common purpose The nobler and the higher the purposes for which they are banded together, the greater the honor due the flag The greater the devotion to those principles, the greater will be the love and the honor for the flag Any variation from such principles must necessarily result in a corresponding variation in the sentiments toward the flag

Now, we are all proud of our Stars and Stripes, and I believe that no nation in the world, or the people of no nation, have greater cause to be proud of their national emblem than we have to be proud of ours. We love to honor our flag, gentlemen We love to honor it not because it stands for the broad acres, diversified resources and the wonderful advantages with which nature has so generously and graciously endowed this land of ours, but we love to honor that flag because it stands for the principles of liberty, justice, and equality We love to honor it, gentlemen, because it represents a governmental organization, conceived in a love for freedom and reared upon the proposition that all men are created equal and endowed with the inalienable rights of life, liberty, and pursuit of happiness. Whatever is done in governmental affairs that detracts from those purposes or those principles lessens the honor and dignity of that flag, and whatever is done in governmental affairs that adds to or strengthens those principles adds to the glory of that flag. Every sordid motive, every improper thought and act in governmental affairs, of every kind lessens the honor and dignity of that flag. On the other hand, all the righteous acts, everything that is done in governmental affairs in the interest of humanity and with the purpose of bettering the condition of mankind, brightens the halo of glory that surrounds it.

Now, gentlemen, the Bear Flag is not only a historical emblem, but it is to-day the living official emblem of the imperial State of California, and, just as I feel that during the past year and now the political acts of the people of the State of California and the trend of governmental affairs have been and are toward the strengthening of the principles of liberty, justice, and equality and for the best interests of our citizenship and the welfare of humanity, so do I feel that the placing of that Bear Flag, the emblem of the State of California, in the position of honor that it there occupies, adds increased dignity and honor to our Stars and Stripes

Now, gentlemen, I trust that those two flags—the one representing the United States of America, the greatest country in the world to-day, the other representing the greatest State in the Union, the State of California—will continue to occupy the positions of honor that they now occupy through the years to come, each reflecting credit and honor upon the other

Mr. Gerdes moved that the address of Mr Rutherford be printed in the Journal.

Motion carried

REPLY OF SPEAKER.

Hon A H. Hewitt, Speaker of the Assembly, replied as follows:

In view of the remarks of Mr. Rutherford concerning the Bear Flag, which the members of this body have ordered placed upon the walls of this Assembly, I am going to make a suggestion.

We all understand and appreciate the fact that it was due to the efforts of the Native Sons of California who are members of this body that this flag has now a

place in this Assembly hall, and inasmuch as that flag was the emblem which was adopted by the pioneers on their arrival in this State, and as it calls to our mind the hardships and struggles of those men who had so much to do with the foundation of the government and the early development of the resources of this great commonwealth, I feel that it is due to the Native Sons who are members of this Assembly, and who are the descendants of those pioneers, that some appropriate action should be taken by the members of this body which will, in a measure, show our appreciation of the efforts of those members who were particularly instrumental in securing the flag.

I would suggest to them that some time in the near future, during this special session, they assemble in this chamber, under this beautiful flag which represents so much to them and to the people of this State, and have a group picture taken of themselves and of the flag, so that we who are not fortunate enough to be native sons of California may have something in addition to the memory of the flag to carry home with us as a reminder of their interest in this emblem. I make that suggestion, and hope sincerely that it may be adopted by them.

Mr. Young moved that the remarks of the Speaker be printed in the *Journal*.

Motion carried.

READING OF THE JOURNAL

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Walsh.

GUEST ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Slater, Mr. W. W. Felt, county clerk of Sonoma County, was granted the privilege of the floor for this day.

COMMUNICATION.

The following was filed:

ASSEMBLY CHAMBER, SACRAMENTO, December 18, 1911.

Hon. A. H. HEWITT, *Speaker of the Assembly.*

DEAR SIR: I desire to inform you that the name of Irene Darwin has been stricken from the roll, to date from and including Saturday, December 16, 1911, said party having received employment elsewhere.

Respectfully,

L. B. MALLORY, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, December 18, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 2—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

Also: Assembly Bill No 21—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 18, 1911.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature,

for the month of December, 1911, and appropriating money therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 18, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 20—An Act to amend Section 2185 of the Political Code of the State of California.

Also: Assembly Bill No. 24—An Act to amend Section 4023 of the Political Code of the State of California, relating to eligibility to county, district and township offices.

Also: Assembly Bill No. 45—An Act to amend Section 1066 of the Political Code of the State of California, relating to the number of votes necessary to elect.

Also: Assembly Joint Resolution No. 1—Relative to petitioning Congress to appropriate one million ($1,000,000) dollars for the improvement of Yosemite National Park.

And were presented to the Governor December 16, 1911, at three o'clock and thirty minutes P. M.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 18, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 68—An Act to amend section eleven hundred and twenty of the Political Code, relating to registration and the qualification of voters.

Also: Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Also: Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

Also: Assembly Bill No. 63—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 16, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of public utilities, their officers, agents and employees and the rights, duties and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, and making an appropriation to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Also: Assembly Bill No. 26—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Also: Assembly Bill No. 41—An Act to amend section one of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The above Assembly bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 16, 1911

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 3—Relative to a bill before Congress, known as the "Sulloway Bill," for the relief of the veterans of the Civil War

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

Assembly Joint Resolution No. 3 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 16, 1911

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 7—Relative to establishment of dry docks on the bay of San Francisco or waters tributary thereto

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 7 read, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, December 16, 1911

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers, or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers

WALTER N PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 44 read first time, and referred to Committee on Municipal Corporations

Also:

SENATE CHAMBER, SACRAMENTO, December 16, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended Assembly Bill No 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter—and we respectfully request your honorable body to concur in the Senate amendments to said bill.

WALTER N PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 4?"

On page 1, Section 1, line 3, after the words "United States" insert a comma and add the following "every person who shall have acquired the right of citizenship under or by virtue of the Treaty of Queretaro and every naturalized citizen thereof or female person who has acquired citizenship by virtue of her marriage to a citizen or by the naturalization of her husband and every other person who has otherwise become a citizen of the United States".

Also: On page 1, Section 1, line 3, after the word "every" insert the following "native".

The roll was called, and Senate amendments to Assembly Bill No. 4 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—72.

NOES—None.

Bill ordered to enrollment

APPROVAL OF JOURNALS

On motion of Mr. Bohnett, the Journals of Saturday, December 9; Monday, December 11; Tuesday, December 12; Wednesday, December 13; Thursday, December 14; Friday, December 15, and Saturday, December 16, 1911, were approved as corrected by the Minute Clerk

MOTION.

Mr. Bohnett moved that the question of reconsidering the vote on Assembly Bill No. 69 be postponed until the next legislative day

Motion carried.

SECOND READING OF BILLS.

Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the figures 117, on page 1, Section 1, line 3 of the printed bill, and insert in lieu thereof the following "The State is divided into eleven congressional districts, which shall be designated and constituted as follows

1. The counties of Del Norte, Humboldt, Trinity, Siskiyou, Shasta, Tehama, Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, and Mono shall constitute the First Congressional District.

2. The counties of Mendocino, Sonoma, Marin, Lake, Glenn, Colusa, Butte, Yuba, Sutter, Yolo, and Sacramento shall constitute the Second Congressional District.

3. The counties of Napa, Solano, Contra Costa, San Joaquin, Stanislaus, and Santa Clara shall constitute the Third Congressional District

4. All that portion of the city and county of San Francisco bounded as follows Commencing at the point of intersection where the south boundary line of the Presidio Reservation intersects the bay of San Francisco, running thence along the said line of the Presidio Reservation to Arguello boulevard, and continuing thence along the center of the following named streets: Arguello boulevard to Washington, Washington to Baker, Baker to Geary, Geary to Broderick, Broderick to Eddy, Eddy to Van Ness avenue, Van Ness avenue to Market, Market to Haight, Haight to Buchanan Buchanan to Market, Market to Dolores, Dolores to Randall, Randall to Mission, Mission to the county line between the city and county of San Francisco and the county of San Mateo, thence westerly along said county line to the waters of the Pacific Ocean; thence along the shore of said Pacific Ocean and bay of San Francisco to the southern boundary line of the Presidio Reservation the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Fourth Congressional District

5. All that portion of the city and county of San Francisco not included in the Fourth Congressional District shall constitute the Fifth Congressional District.

6. The county of Alameda shall constitute the Sixth Congressional District.

7. The counties of Merced, Madera, Fresno, San Benito, San Mateo, Santa Cruz, Monterey, and Kings shall constitute the Seventh Congressional District.

8. The counties of Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, and Ventura, and all of that portion of the county of Los Angeles included in the Sixty-second and Sixty-third Assembly Districts shall constitute the Eighth Congressional District.

9. All that portion of the county of Los Angeles included in the Sixty-sixth, Sixty-seventh, Seventieth, Seventy-first, Seventy-second, and Seventy-third Assembly Districts shall constitute the Ninth Congressional District.

10. All that portion of the county of Los Angeles included in the Sixty-fourth, Sixty-fifth, Sixty-eighth, Sixty-ninth, Seventy-fourth, and Seventy-fifth Assembly Districts shall constitute the Tenth Congressional District.

11. The counties of San Bernardino, Orange, Riverside, San Diego, and Imperial shall constitute the Eleventh Congressional District.

Roll call regularly demanded.

The roll was called, and amendment adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Butler, Cattell, Coghlan, Cogswell, Cunningham Denegri, Farwell, Feeley, Fitzgerald, Flint Gerdes, Hamilton,

Harlan, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Walsh, Wyllie, and Young—43.

NOES—Messrs. Bennink, Bishop, Brown, Chandler, Cronin, Crosby, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Jasper, Jones, Kehoe, Maher, Malone, McGowen, Mendenhall, Rosendale, Rutherford, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, and Mr. Speaker—30.

Bill read second time, and ordered to reprint, engrossment, and third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 34—An Act validating the formation and organization, and determining the boundaries of Imperial Irrigation District in the county of Imperial, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 8—Relative to extending an invitation to the Congress of the United States, relative to the inspection of the rivers and harbors of California.

The question being on the adoption of the resolution.

A vote was taken, Senate Joint Resolution No. 8 adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO 8.

Relative to extending an invitation to the Congress of the United States, relative to the inspection of the rivers and harbors of California.

WHEREAS, The increasing growth of the commerce of California, and the early completion of the Panama Canal necessitates additional improvements in the rivers and harbors of the State in aid of commerce and navigation, which improvements will result in great benefits not only to the State of California, but to the entire United States; and

WHEREAS, The State of California has in the past coöperated and is now ready to coöperate with the government of the United States in preparing for present and future necessities of commerce in said harbors and navigable water ways; and

WHEREAS, The State of California and many of its municipalities are making extensive improvements and preparation for improvements of the navigable water ways and harbors of the State; and

WHEREAS, To further such improvements and to encourage such coöperation between the State of California and its municipalities on the one part, and the United States on the other, is most desirable; and

WHEREAS, An inspection of said rivers and harbors by the Committee on Commerce of the Senate of the United States and the Committee on Rivers and Harbors of the House of Representatives would tend to greater efficiency and better results in the direction of contemplated improvements to be made to meet the present and future demands of commerce, therefore, be it

Resolved by the Senate and Assembly of California, jointly, That the Legislature of the State of California, convened in extraordinary session, does hereby invite the Congress of the United States to cause said committees of the respective houses thereof to make an inspection of the rivers and harbors of the State of California for the purposes aforesaid, and favorable action on this invitation is respectfully urged, be it further

Resolved, That our Senators and Representatives in Congress be requested to

extend this invitation to the Congress of the United States in behalf of the people of the State of California, and to use their utmost endeavors to secure favorable action thereon, and be it further

Resolved, That a certified copy of these resolutions be transmitted by the Secretary of the Senate to the Senate and House of Representatives of the United States and to each of our Senators and Representatives in Congress.

Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

During the third reading of the bill, Mr. Harlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4 of the printed bill, after Section 7, add the following:

"SEC. 8. Nothing in this Act shall apply to employers of labor engaged in farming, dairying, agricultural or horticultural pursuits, in poultry raising or domestic service."

Roll call regularly demanded.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. McDonald moved a call of the House.

Roll call regularly demanded.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Bliss, Cattell, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Hayes, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, and Young—37.

NOES—Messrs. Benmink, Bishop, Bohnett, Brown, Butler, Chandler, Cogswell, Cronin, Crosby, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lynch, Maher, McGowen, Mott, Randall, Rosendale, Stuckenbruck, Tibbits, Wyllie, and Mr. Speaker—34

Time, two o'clock and fifty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benmink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75

The Chief Clerk announced the absentees

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. McDonald.

The roll was called, and motion to appoint a select committee adopted by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson Kehoe, Lynch, Maher, March, McGowen, Mendenhall, Mott, Randall, Rosendale, Slater, Stevenot, Stuckenbruck, Tibbits, Wilson, Wyllie, and Mr. Speaker—41.

NOES—Messrs. Beatty, Beckett, Benedict, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Hayes, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Smith, Sutherland, Telfer, Walsh, Williams, and Young—32

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 11, with instructions, do now report that the instructions of the Assembly have been carried out

HARLAN, Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, and on file for passage

MOTION.

Mr. Smith moved that five hundred copies of to-day's Journal be mailed to the Grand Secretary of the Native Sons of the Golden West to be distributed to orders of Native Sons of the Golden West, Native Daughters of the Golden West, and the Order of California Pioneers

Motion carried.

ADJOURNMENT.

At three o'clock and five minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until eleven o'clock A. M. of Tuesday, December 19, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, December 19, 1911.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes Held, Hinkle, Hinshaw,

Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker.—79.

Quorum present.

LEAVE OF ABSENCE.

On motion, Mr. Walker was granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Gerdes.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149*e* and 4149*f*, providing for the appointment of a registrar of voters, prescribing his duties and fixing his term of office and the compensation to be paid such registrar in the various classes of counties.

Also: Senate Bill No. 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Also: Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Also: Senate Bill No. 43—An Act to amend Section 4020 of the Political Code of California, relating to consolidation of county offices.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ROGERS of Alameda, Chairman

The above reported bills ordered on file for second reading.

ON IRRIGATION AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No. 72—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LYON of Los Angeles, Chairman.

The above reported bill ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

To the Assembly of the State of California:

Pursuant to a resolution of the Assembly of the State of California, adopted on December 11, 1911, referring to the Committee on Judiciary the complaint of A. H. Carpenter against N. P. Chipman, Elijah C. Hart, and Albert G. Burnett, Justices of the District Court of Appeal in and for the Third Appellate District of the State of California, your Committee on Judiciary appointed on December 18, 1911, a sub-committee consisting of Messrs. Kehoe, Sutherland, Jones, Joel, and Held to examine into said matter and to report back to this committee.

That on the 18th day of December, 1911, said sub-committee made the report to said committee hereunto annexed, marked Exhibit "A" and made a part hereof.

That thereupon, at a meeting of said Committee on Judiciary, held on the 18th day of December, 1911, the said report of said sub-committee was adopted in its entirety as the report to be submitted to this Assembly on the part of the said Committee on Judiciary.

In accordance with said report of said sub-committee, and which said report was made and adopted as the report of your Committee on Judiciary, your Committee on Judiciary respectfully recommends that no further proceedings be had in said matter.

Respectfully submitted,

KEHOE, Chairman.

EXHIBIT "A."

SACRAMENTO, CALIFORNIA, December 18, 1911.

To the Committee on Judiciary of the Assembly, California Legislature:

Pursuant to a resolution of the Committee on Judiciary, adopted December 12, 1911, referring to us as a sub-committee the complaint of A. H. Carpenter versus N. P. Chipman, Elijah C. Hart, and Albert G. Burnett, Justices of the District Court of Appeal in and for the Third Appellate District of the State of California, we report as follows:

That immediately upon our appointment as such sub-committee we set the said matter for hearing at two o'clock P. M., December 14, 1911, in the Assembly Chamber, and caused notice thereof to be given to said complainant and to said Justices, and extended to each and all of said parties the benefit of the process of this sub-committee to compel the attendance of witnesses at said hearing.

That at the time and place fixed for such hearing, the said complainant, A. H. Carpenter, was personally present and stated that he was ready to proceed with the hearing, as did also the Justices, who were present.

That thereupon Joseph E. Piper was sworn to correctly take and write in shorthand the testimony of all witnesses produced, after which A. H. Carpenter offered himself as a witness in his own behalf, was duly sworn, and his evidence, including the entire record in each of the following cases, to wit:

Matteson vs. *S. P., R. R. Co.*, decided August 28, 1907; reported in 6 Cal. App. Rep. 318.

Van Valkinberg vs. *Oldham*, decided February 8, 1910, reported in 12 Cal. App. Rep. 572.

Leofler vs. *Wright*, decided April 14, 1910; reported in 13 Cal. App. Rep. 224.

Carpenter vs. *Ashley*, decided February 23, 1911; reported in 15 Cal. App. Rep. 461.

Carpenter vs. *Sibley*, decided March 15, 1911, reported in 15 Cal. App. Rep. 589.

Carpenter vs. *Ashley*, decided May 24, 1911, reported in 12 Cal. App. Rep. 743 received.

That upon the conclusion of complainant's testimony he announced that all of his evidence had been introduced, whereupon the said Justices were severally duly sworn and testified in their own behalf, and in addition to their own testimony offered that of George F. McNoble, which was received.

That at all times during the introduction of the testimony the right of cross-examination was granted to all parties to the proceeding.

That at the conclusion of the testimony offered on behalf of the said Justices, all parties to the proceeding stated that all of their testimony had been received and that they had no further evidence of any kind to offer, whereupon the matter was argued by the complainant and by the Justices and submitted for decision.

That since the submission of said matter we have given consideration to the evidence introduced, and as a result of such consideration now find that there is no evidence whatever tending in the least to sustain said charges or any of them, or to show that the said Justices acted in the consideration of any of said cases, or in the decisions thereof otherwise than in the conscientious discharge of their official duties.

That none of the charges in said complaint has been sustained, and that the same are wholly untrue and groundless.

As our conclusion from the foregoing we recommend that no further action be taken in the premises.

Respectfully submitted,

KEHOE,
JOEL,
JONES,
SUTHERLAND,
HELD.

Mr. Kehoe moved the adoption of the report and resolution.

Motion carried.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 54—An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers.

Also: Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts.

And report that the same have been correctly engrossed.

RANDALL, Chairman

SENATE MESSAGES.

The following messages from the Senate were taken up and read

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 53—An Act to make an appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

Also: Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the Public Utilities Act.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 53 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 7 read first time, and referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, December 16, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 9—Relative to the continuance by the United States of the Government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to Pacific seaports, on the western coast of the United States, on the completion of the Panama Canal.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 9 read and referred to Committee on Federal Relations

Also:

SENATE CHAMBER, SACRAMENTO, December 18, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 3—An Act to amend Section 1280 of the Political Code of the State of California, relating to the official canvass of election returns.

Also to Senate Bill No. 33—An Act to amend Section 4 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act" (approved March 20, 1903).

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Senate Concurrent Resolution No. 3 read, and referred to Committee on Education.

Also:

SENATE CHAMBER, SACRAMENTO, December 18, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted, as amended, Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books—and we request your honorable body to concur in the Senate amendments to said Assembly Constitutional Amendment No. 3.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Constitutional Amendment No. 3?"

Strike out all after the figure "7," in line 9 down to and including the word "shall," in line 13, and insert in lieu thereof the following: "The Legislature shall provide for the appointment or election of a state board of education, and said board shall provide."

Also: Strike out of line 21 the words "Common schools and" and insert in lieu thereof the following: "day and evening".

Also: Strike out of lines 14 and 15 the words "Common schools" and insert in lieu thereof the following: "day and evening".

The roll was called, and Senate amendments to Assembly Constitutional Amendment No. 3 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Young, and Mr. Speaker—67.

NOES—None.

Assembly Constitutional Amendment No. 3 ordered to enrollment.

REQUEST.

Mr. Young sent to the desk the following explanation of his vote on concurring in Senate amendments to Assembly Constitutional Amendment No. 3, and asked that it be printed in the Journal:

Request granted.

EXPLANATION OF VOTE.

MR. SPEAKER: I was in favor of the original Assembly Constitutional Amendment No. 3 on the subject of free text-books, for I believed that the time had come when the people of the State were ready to declare themselves on this subject. I am very much opposed to the amendment which the Senate has added to this amendment, providing that the composition of the State Board of Education shall be left to legislative action.

I believe that the question of free text-books should have been left a plain and simple question, uncomplicated by any other question introduced into the same constitutional amendment. I believe, further, that our schools should be divorced from

politics as far as such a thing is possible, and I am accordingly not in favor of the Senate amendment.

However, the question of free text-books in our schools is so important a question that I am constrained to vote for the submission of this constitutional amendment to the people, while deploring that it should have been thought necessary to so change it as to imperil its passage by the people

C. C. YOUNG.

INTRODUCTION OF ASSEMBLY JOINT RESOLUTION.

The following was introduced, and referred as indicated:

By Mr. Gaylord: Assembly Joint Resolution No. 5—Relative to national forests.

Read, and referred to Committee on Federal Relations

THIRD READING OF BILLS.

Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63—An Act to amend Section 1210 of the Political Code of the State of California, relating to sample election ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 63 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Telfer, Walsh, Wilson, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44—An Act validating the formation and organization and determining the boundaries of Imperial Irrigation District, in the county of Imperial, State of California.

Mr. Judson asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 44.

Bill withdrawn, and ordered stricken from the file

Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to the compensation of officers of counties of the first class, their clerks, deputies and assistants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 71 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Beumink, Bishop, Bliss, Bohnett Butler, Callaghan, Cattell, Chandler, Coghlan Cogswell, Cronin, Cunningham Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan Shragia, Schmitt, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams Wilson, Wyllie, and Mr. Speaker—66

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No 2—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

In line 2 of the title of the printed bill strike out the words "California Railroad Commission" and in lieu thereof insert the words "public utilities".

Amendment adopted.

AMENDMENT No 2

Immediately after the title insert the following:

"WHEREAS, The Railroad Commission Act, approved February 10, 1911, appropriated the sum of one hundred thousand dollars, to be used by the Railroad Commission to carry out the provisions of said Act: and

WHEREAS, The Public Utilities Act will repeal the Railroad Commission Act and will thereby turn back into the General Fund of this State such portion of said appropriation as may remain unexpended when the Public Utilities Act goes into effect, such moneys so remaining unexpended being estimated at ninety-six thousand dollars; and

WHEREAS, It is necessary to appropriate to the use of the Railroad Commission said sum of ninety-six thousand dollars and such further moneys as may be needed to enable the Railroad Commission to perform the additional duties devolving upon the commission under the Public Utilities Act, until the end of the next fiscal year said additional moneys being estimated to be sixteen thousand dollars for the salaries of two additional commissioners and ninety-two thousand dollars for new public utility work; now, therefore,".

Amendment adopted.

AMENDMENT No. 3.

On line 4, Section 1 of the printed bill, strike out the word "California" and in line 5 strike out the words "railroad commission" and in lieu thereof insert the words "public utilities".

Amendment adopted.

Bill read second time.

Assembly Bill No. 21—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of public schools and internal

improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

On page 3, Section 4 strike out all of the section following the period after the figure "4" and insert in lieu thereof the following: "The Surveyor General of the State of California is hereby authorized and empowered to locate and select in the United States land offices for the benefit of persons having certificates of purchase or patents from the State, lands in sections 16 and 36, which, under the provisions of the Act of Congress, approved March 1, 1877, and commonly known as the 'Booth Act,' are claimed to be the property of the United States, but which said lands have been heretofore sold or encumbered by the State. The said lands hereby authorized to be selected are lands which have been heretofore used or designated by the State of California as bases for indemnity selections, and for which the State of California received indemnity, but which said lands in said Sections 16 and 36 the said State also sold or encumbered For the purpose of making the selections hereby authorized to be made the said Surveyor General is hereby authorized and empowered to use and designate any bases or lands mentioned in Section 3406*a* of the Political Code of the State of California, or any other bases, which may be proper or valid in making indemnity selections"

Amendment lost.

AMENDMENT No. 2.

On page 4, Section 6, line 1 of the printed bill, strike out the words and figures "forty thousand (40,000)" and insert in lieu thereof the following: "twenty-five thousand (25,000)".

Amendment adopted.

The following amendments were submitted by Mr. Sutherland:

AMENDMENT No. 1.

On page 3, strike out all of Section 4 and insert in lieu thereof the following: "The Surveyor General of the State of California is hereby authorized and empowered to locate and select in the United States land offices, for the benefit of persons having certificates of purchase or patents from the State, lands in sections 16 and 36, which, under the provisions of the Act of Congress, approved March 1, 1877, and commonly known as the 'Booth Act,' are claimed to be the property of the United States, but which said lands have been heretofore sold or encumbered by the State. The said lands hereby authorized to be selected are lands which have been heretofore used or designated by the State of California, as bases for indemnity selections, and for which the State of California received indemnity, but which said lands in said sections 16 and 36 the said State also sold or encumbered For the purpose of making the selections hereby authorized to be made the said Surveyor General is hereby authorized and empowered to use and designate any bases or lands mentioned in Section 3406*a* of the Political Code of the State of California, or any other bases, which may be proper or valid in making indemnity selections."

Amendment adopted.

AMENDMENT No 1*a*.

On page 3, Section 5, line 1, strike out the figure "5" and insert in lieu thereof the figure "4"

Amendment adopted.

AMENDMENT No. 1*b*.

On page 4, Section 6, line 1, strike out the figure "6" and insert in lieu thereof the figure "5".

Amendment adopted.

Bill read second time.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 2 and 21.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 2 and 21 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 2 and 21, and do now report the same back, and recommend that they do pass as amended.

HEWITT, Chairman.

Bills ordered to reprint, engrossment, and third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed twelve thousand five hundred dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wythe, Young, and Mr. Speaker—59.

NOES—Mr. Farwell—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises

and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

During the third reading of the bill, Mr. Harlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4 of the printed bill, after section seven, add the following:
"SEC. 8. Nothing in this Act shall apply to employers of labor engaged in farming, dairying, agricultural or horticultural pursuits, in poultry raising or domestic service."

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Bishop, Bliss, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Held Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Maher, March, McGowen, Mendenhall, Mott, Polsley, Randall, Rimlinger, Rosendale, Slater, Stevenot, Stuckenbruck, Tibbits, Wilson, Wyllie, and Mr. Speaker—40.

NOES—Messrs. Beckett, Benedict, Bennink, Callaghan, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Hayes, Joel, Kennedy, Lamb, Lyon of San Francisco, Malone, McDonald, Mullally, Nolan, Preisker, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Walsh, Williams, and Young—34.

The Speaker appointed Mr. Harlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 12, with instructions, do now report that the instructions of the Assembly have been carried out.

HARLAN, Select Committee

Report of select committee, and amendment, adopted

Bill ordered to reprint, and on file for passage.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. McDonald, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 22—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall

Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature for the month of December, 1911, and appropriating money therefor.

Mr. Crosby moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 38 considered.

Mr. Crosby moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 38, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Bill read second time, and ordered on file for third reading

RECONSIDERATION POSTPONED.

On motion of Mr. Clark, the question of the reconsideration of Assembly Bill No. 69 was postponed until the next legislative day.

RE-REFERENCE OF BILL.

On motion of Mr. Preisker, Senate Bill No. 44 was recalled from the Committee on Municipal Corporations, and referred to Committee on Engrossment and Enrollment, to be compared with Assembly Bill No. 54.

INTRODUCTION OF BILL.

The following bill was introduced, and referred as indicated:

By Committee on Conservation: Assembly Bill No. 73—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act, and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act to

be designated as Section 29, relating to the duties of the county clerk and registrar of voters, also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act, also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: 'An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.' "

Bill read first time, and ordered on file without reference.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911

MR SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

YOUNG, Chairman

The above reported bill ordered on file for second reading.

RECESS.

At two o'clock and twenty minutes P. M., on motion of Mr Rogers of Alameda, the Assembly was declared at recess until two o'clock and fifty minutes P. M. of this day.

REASSEMBLED.

At two o'clock and fifty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 10—Relating to the Simmons National Quarantine Act, now before Congress—have had the same under consideration, and respectfully report the same back and recommend that it be adopted as amended

FREEMAN, Chairman.

The above reported Senate joint resolution ordered on file for consideration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 9—Relative to the continuance by the United States of the Government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to Pacific seaports on the western coast of the United States, on the completion of the Panama Canal—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman

The above reported Senate joint resolution ordered on file for consideration.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers—with Assembly Bill No. 54—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers—and report that the same are not identical.

RANDALL, Chairman.

Senate Bill No. 44 referred to Committee on Corporations.

RESOLUTION.

The following resolution was offered:

By Mr. Held:

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, authorized and directed to compile, prepare and have printed, after final adjournment, a final calendar of the legislative business of the thirty-ninth (extra) session, comprising a history of all bills, resolutions, etc., introduced, their authors, the number that become laws, those that have been read on second readings, and all other information that will create a permanent guide and history to the session's business, together with this, shall be the expenditures of the Senate and Assembly, and of printing, such information being prepared not only for the book, but as a guide for the fortieth session of the Legislature. When said calendar is finally prepared, the Chief Clerk of the Assembly is directed to mail or express one copy of such calendar to each member of the Assembly. For the purpose of carrying out the objects of this resolution, and to pay the necessary expenditures therefor, the Controller is directed to draw his warrant in favor of L. B. Mallory, Chief Clerk of the Assembly, in the sum of $200.00; $100.00 payable out of the appropriation for officers and employees of the Assembly and $100.00 payable out of the appropriation for contingent expenses of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

SECOND READING OF SENATE BILLS.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149*e* and 4149*f*, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

During the consideration of bill, the following amendments were submitted by the committee:

On page 1, Section 1, lines 4 and 5, strike out the words "at its first meeting in April, 1912,".

Amendment adopted.

Also:

On page 5, Section 1, after the line 143, add the following: "The compensation of all deputies herein provided for shall be paid by the said county in equal monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the registrar is paid; *and provided further*, that where the registrar is allowed fees the same shall be allowed on claims duly verified, presented and allowed by the board of supervisors".

Amendment adopted.

Also:

In line 91, Section 1, page 4, strike out the following: "twenty-four ($24.00)" and insert in lieu thereof the following: "twelve hundred ($1,200.00)".

Amendment adopted.

Also:

On page 2, Section 1, line 38, after the word "annum," strike out the period and insert a comma and add the following: "and in addition to such salary and in addition to the deputies now provided by law and allowed to the official charged with registration, said registrar may appoint additional deputies, not to exceed two in number, for the purpose of registering electors and attending to election matters, to be paid not to exceed four ($4.00) dollars per diem each; *provided*, that such deputies so employed and appointed shall not be employed except during a year when the general election is held throughout the State, and then only between the first day of January and the fifteenth day of November of said year. Each of said deputies shall be paid at the same time and in the same manner as county officials are paid."

Amendment adopted.

Also:

On page 2, Section 1, line 49, strike out the words and figures "twenty-four ($24.00)" and insert in lieu thereof the following: "two hundred and fifty ($250.00)".

Amendment adopted.

Also:

On page 2, Section 1, line 51, strike out the period after the word "annum" and insert in lieu thereof a semicolon; also add the following: "*provided*, that in counties of this class the registrar of voters shall be allowed one deputy whose salary is hereby fixed at seventy-five dollars per month".

Amendment adopted.

Also:

In line 26, page 2 of the printed bill, after the period following the word "annum" insert the following: "In counties of the fourth class the registrar shall be allowed two deputies to serve during each even numbered year; each of said deputies shall receive a salary of one hundred dollars per month during each even numbered year."

Amendment adopted.

Also:

On page 3, Section 1, line 55, strike out the words and figures "twenty-four ($24.00) per annum" and insert in lieu thereof the following: "five hundred dollars ($500.00) per annum and such other fees as are now allowed by law to the county clerk for registration of voters".

Amendment adopted.

Also:

On page 3, Section 1, line 67, strike out the period after the word "annum" and insert in lieu thereof the following, a semicolon and add the following: "*provided*, that in counties of this class the registrar of voters is hereby allowed one deputy, whose salary shall be the sum of seventy-five dollars per month."

Amendment adopted.

Also:

On page 3, Section 1, line 69, strike out the word "twenty-four ($24.00)" and insert in lieu thereof "one hundred ($100.00)".

Amendment adopted.

Also:

Strike out the period after the word "annum" and insert in lieu thereof a semicolon and the words "*provided, further*, that in any year that the compilation of a new great register is required by law or supplements thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements

thereto, to be paid by the board of supervisors upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county."

Amendment adopted.

Also:

On page 5, Section 1, strike out all of lines 138, 139, 140, 141, 142 and 143, and insert in lieu thereof the following: "In addition to the salaries herein provided where in any case the county clerk is now allowed fees or compensation or deputies or assistants for the registration of voters, or in the administration of laws relating to elections, such fees, compensation, deputies and assistants shall continue to be received or employed by the registrar of voters, and the right of the county clerk in such case to receive or employ the same shall thereupon cease, except where otherwise provided by law."

Amendment adopted.

Also:

On page 3, line 85 of the printed bill, after the words "per annum", strike out the period and insert a comma and add the following: "in counties of this class the registrar shall receive and he is hereby allowed in addition to such salary of twenty-four ($24.00) dollars per annum from the county, the sum of twelve and a half cents for each name registered."

Amendment adopted.

Also:

Strike out lines 52 and 53 on page 3 of the printed bill, and insert in lieu thereof the following: "The salary of the registrar in counties of the sixteenth class shall be one hundred ($100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of five cents for each name inserted in said great register and supplements thereto, to be paid upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county; *and provided, further*, that in any year when a new register of voters is required by law or supplements to be made thereto, the said registrar may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor on the General Fund of said county after proper allowance of said claim by said board of supervisors."

Amendment adopted.

Also:

On page 3, line 71, strike out the figures "$24," and insert in lieu thereof the figures "($840)".

Amendment adopted.

Also:

On page 3, line 87, strike out the figures "$24." and insert in lieu thereof the figures "($600)".

Amendment adopted.

Also:

On page 4, line 105, strike out the figures "$24." and insert in lieu thereof the figures "($360)".

Amendment adopted.

Also:

On page 3, Section 1, line 79, strike out the words and figures "twenty-four ($24.00)" and insert in lieu thereof the following: "three hundred ($300.00)"

Amendment adopted.

Also:

On page 3, Section 1, line 77, strike out the words and figures "twenty-four ($24.00)" and insert in lieu thereof the following: "three hundred ($300.00)"

Amendment adopted.

Also:

On page 3, Section 1, line 75, strike out the word "twenty-four ($24.00)" and insert in lieu thereof the words "two hundred and fifty ($250.00)".

Amendment adopted.

Also:

On page 3, Section 1, line 49, strike out the word "twenty-four ($24.00)" and insert in lieu thereof the words "one hundred and fifty ($150.00)".

Amendment adopted.

Also:

On page 2, Section 1, line 73, strike out the word "twenty-four ($24.00)" and insert the words "seven hundred ($700.00)".

Amendment adopted.

Also:

On page 3, Section 1, line 63, strike out the period after the word "annum" and insert in lieu thereof a semicolon and add the following: "*provided*, that in counties of this class the registrar of voters in any year when a new registration of voters is required by law he shall be paid the sum of seven cents per name for each elector registered by him."

Amendment adopted.

Also:

On page 4, Section 1, line 101, strike out the period after the word "annum" and insert in lieu thereof a semicolon and add the following: "*provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c.) per name for each elector registered by him".

Amendment adopted.

Also:

Strike out lines 108 and 109 on page 4 of the printed bill, and insert in lieu thereof the following: "The salary of the registrar in counties of the forty-fourth class shall be one hundred ($100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county General Fund upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county."

Amendment adopted.

Also:

Strike out lines 112 and 113 on page 4 of the printed bill, and insert in lieu thereof the following: "The salary of the registrar in counties of the forty-sixth class shall be one hundred ($100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county General Fund upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county."

Amendment adopted.

Also:

Strike out lines 120 and 121 on page 4 of the printed bill, and insert in lieu thereof the following: "The salary of the registrar in counties of the fiftieth class shall be one hundred ($100.00) dollars per annum; *provided, further*, that in any year that the compilation of a new great register is required by law or supplements to be made thereto, the registrar shall receive as expenses for compiling such great register and making supplements thereto the sum of fifteen cents for each name inserted in said great register and supplements thereto, to be paid by the board of supervisors out of the county General Fund upon the filing and presentation of a duly verified claim therefor by the registrar of voters with the board of supervisors of said county."

Amendment adopted.

Also:

On page 4, Section 1, line 125, strike out the words and figures "twenty-four ($24.00)" and insert in lieu thereof the following: "seventy-five ($75.00)".

Amendment adopted.

Also:

On page 4, Section 1, line 119, strike out the words and figures "twenty-four ($24.00)" and insert in lieu thereof the following: "one hundred ($100.00)".

Amendment adopted.

Also:

After the period in line 95, page 4 of the printed bill, add the following: "In addition to such salary in counties of this class the registrar shall receive from the county the sum of ten cents for each name registered."

Amendment adopted.

Also:

Strike out the words "twenty-four ($24.00) dollars per annum" from line 97, page 4, Section 4149c of the printed bill, and insert in lieu thereof the following: "five hundred ($500.00) dollars per annum."

Amendment adopted.

Also:

Strike out the words "twenty-four ($24.00) dollars per annum" from line 117, page 4, Section 4149c of the printed bill, and insert in lieu thereof the following: "four hundred ($400.00) dollars per annum."

Amendment adopted.

Also:

On page 4, Section 1, line 111, strike out the period after the word "annum" and insert in lieu thereof a semicolon and add the following: "*provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c.) per name for each elector registered by him."

Amendment adopted.

Also:

On page 4, Section 1, line 103, strike out the period after the word "annum" and insert in lieu thereof a semicolon and add the following: "*provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c.) per name for each elector registered by him."

Amendment adopted.

Also:

On page 5, Section 1, line 137, strike out the period after the word "annum" and insert in lieu thereof a semicolon and add the following: "*provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten cents (10c.) per name for each elector registered by him."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No 42—An Act to amend Section 4017 of the Political Code with reference to the consolidation of county offices.

During the consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, Section 1, line 6, strike out the comma following the word "collector" and insert in lieu thereof a semicolon.

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 12, after the word "and" insert the word "an".

Amendment adopted.

AMENDMENT No 3

On page 2, Section 1, strike out all of line 20 after the comma following the word "incumbents," and all of lines 21 and 22, and insert in lieu thereof the following: "such consolidation shall become effective at the expiration of the term for which such incumbents were elected or appointed"

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

SECOND READING OF SENATE BILLS.

Mr. Rogers of Alameda asked for, and was granted, unanimous consent to have the following Senate bills taken up for second reading:

Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Bill read second time, and ordered on file for third reading

Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Bill read second time, and ordered on file for third reading.

Senate Bill No 43—An Act to amend Section 4020 of the Political Code, referring to consolidation of county offices.

Bill read second time, and ordered on file for third reading.

ADJOURNMENT.

At three o'clock and five minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until eleven o'clock A. M. of Wednesday, December 20, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, December 20, 1911.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt. Speaker of the Assembly, in the chair

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75

Quorum present.

LEAVE OF ABSENCE.

On motion, Mr. Walker was granted leave of absence for the day

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. McDonald.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the accompanying resolution relative to the compiling and mailing of final calendar:

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, authorized and directed to compile, prepare and have printed, after final adjournment, a final calendar of the legislative business of the thirty-ninth (extra) session, comprising a history of all bills, resolutions, etc., introduced, their authors, the number that become laws, those that have been read on second readings, and all other information that will create a permanent guide and history to the session's business; together with this, shall be the expenditures of the Senate and Assembly, and of printing, such information being prepared not only for the book, but as a guide for the fortieth session of the Legislature. When said calendar is finally prepared, the Chief Clerk of the Assembly is directed to mail or express one copy of such calendar to each member of the Assembly. For the purpose of carrying out the objects of this resolution, and to pay the necessary expenditures therefor, the Controller is directed to draw his warrant in favor of L. B. Mallory, Chief Clerk of the Assembly, in the sum of $200.00; $100.00 payable out of the appropriation for officers and employees of the Assembly and $100 payable out of the appropriation for contingent expenses of the Assembly, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

ON ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to the cancellation of names entered in the great register—have had the same under consideration, and respectfully report the same back with recommendation that it do pass.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city,

city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

JOEL, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation'," approved April 26, 1911.

Also: Senate Bill No. 30—An Act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Also: Senate Bill No 53—An Act to make an appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices, providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures, to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers, and making an appropriation to carry this Act into effect—have had the same under consideration, and respectfully report the same back without recommendation.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

Also: Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to boards of election and manner of voting.

Also: Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists.

Also: Assembly Bill No. 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

And also adopted Assembly Concurrent Resolution No. 4, relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly Bill No. 50 ordered to enrollment.

Assembly Bill No. 49 ordered to enrollment.

Assembly Bill No. 48 ordered to enrollment.

Assembly Bill No. 15 ordered to enrollment.

Assembly Concurrent Resolution No. 4 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the Senate of the United States.

Also: Senate Joint Resolution No. 13—Memoralizing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission, relating to "Control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, California."

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 12 read, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 13 read, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands

Also: Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 37 read first time, and referred to Committee on Engrossment and Enrollment.

Senate Bill No 20 read first time, and referred to Committee on Engrossment and Enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power

fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than fifty years, limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water, reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed, reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor, creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation, compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof, making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act, repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses, prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated, declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges, preventing the combination or fomation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control, providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control, limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act, repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 48 read first time, and referred to Committee on Conservation.

Also:

SENATE CHAMBER, SACRAMENTO, December 19, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for

irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28¼, and providing for the recall of elective officers of irrigation districts.

Also Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

And the Senate respectfully requests your honorable body to concur in its amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 39?"

On page 2, line 18, strike out the word "entire" and insert in lieu thereof the word "highest".

Also: On page 2, line 18, strike out the word "all".

Also: Strike out all of lines 19, 20 and 21 on page 2, and insert in lieu thereof the following: "candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected, or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified electors of such subdivision computed upon the total number of votes cast in such subdivision for all candidates for the office the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a".

Also: On page 2, line 24, strike out the word "voters" and insert in lieu thereof the word "electors".

Also: On page 3, line 60, after the comma following the word "days", insert the following words: "from the date of the order calling for such election,".

Also: On page 3, line 70, before the word "officials" insert the word "elective".

Also: On page 2, line 24, strike out the word "voters" and insert in lieu thereof the word "electors".

Also: On page 4, line 97, strike out the word "the" after the period and insert in lieu thereof the following words: "The election shall be conducted.".

Also On page 4, line 106, after the period following the word "law", insert the following: "If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election."

Also: On page 3, line 62, after the word "election", insert the words "for officers of such district".

Also: On page 3, line 71, strike out the words and figures "22*a*" and insert in lieu thereof "22*b*".

Also On page 3, strike out all of line 72, beginning with the words "Upon the sample", and all of lines 73, 74, 75, and 76, up to and including the period after the word "office" on line 76.

The roll was called, and Senate amendments to Assembly Bill No. 39 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—60.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 67?"

On page 7, Subdivision 14*b*, line 15, after the word "now", strike out the word "are" and insert in lieu thereof the following: "or".

The roll was called, and Senate amendment to Assembly Bill No. 67 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held,

Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr Speaker—58.

NOES—None.

Bill ordered to enrollment.

RE-REFERENCE OF BILL.

On motion of Mr. Sutherland, Senate Bill No 7 was recalled from the Committee on Ways and Means, and referred to Committee on Engrossment and Enrollment for comparison with Assembly Bill No. 2

SECOND READING OF SENATE BILL

Mr. Joel asked for, and was granted, unanimous consent to have Senate Bill No 44 taken up for second reading

Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Page 8, Section 8, line 4, after the comma following the word "power," insert the following: "as hereinafter provided,".

Amendment adopted

AMENDMENT No 2

Page 8, Section 8, line 15, strike out the word "ballots" and insert in lieu thereof the following: "ballot to be used"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

SPEAKER PRO TEM. IN CHAIR

At eleven o'clock and thirty minutes A. M., Hon. H G Cattell, Speaker pro tem of the Assembly, in the chair

RECONSIDERATION POSTPONED.

On motion of Mr. Clark, the question of the reconsideration of Assembly Bill No. 69 was postponed until the next legislative day.

SECOND READING OF BILLS.

Assembly Bill No 72—An Act to amend Section 31 of an Act to provide "for the organization," etc., of irrigation districts, approved March 31, 1897.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of

municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act and by repealing Sections 16, 21, and 31 of said Act and by adding a new section to said Act to be designated as Section 29 relating to the duties of the county clerk and registrar of voters, also by adding a new section to said Act to be designated as Section 30 relating to the continuance of proceedings heretofore commenced under said Act, also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 31—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property," approved February 10th, 1903, and amended March 3d, 1909, by adding a new section thereto to be numbered Section 2½.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 31 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Young—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered 4149*e* and 4149*f*, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

During the third reading of the bill Mr. Rogers of Alameda moved that the speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 1, line 32, after the word "annum", insert a period and strike out all after the word "annum" on line 32, all of lines 32*a* to and including all of line 34.

Also: On page 3, Section 1, line 38 of the printed bill, strike out the period, insert a comma and add the following: "and in addition to such salary and in addition to the deputies now provided by law and allowed to the official charged with registration, said registrar may appoint additional deputies, not to exceed two in number, for the purpose of registering electors and attending to election matters, to be paid not to exceed four ($4.00) dollars per diem each, *provided*, that such deputies so employed and appointed shall not be employed except during a year when the general election is held throughout the State, and then only between the first day of January and the fifteenth day of November of said year. Each of said deputies shall be paid at the same time and in the same manner as county officials are paid."

Also: Strike out the period in line 47, page 3, Section 1, after the word "annum" and insert a semicolon and add the following: "*provided, further*, that in counties of this class the registrar of voters is hereby allowed one deputy whose salary is hereby fixed at seventy-five ($75 00) dollars per month."

Also: On page 4, Section 1, line 59 of the printed bill, strike out all after the word "be" and insert in lieu therefor the words "six hundred ($600 00) dollars per annum".

Also: In line 103, page 6, Section 1, strike out the word "annum" and insert the word "name".

Also: On page 6, line 111, Section 1, strike out the word "annum" and insert the word "name".

Also: On page 7, Section 1, line 135, strike out the period after the word "annum" and insert in lieu thereof a semicolon and add the following: "*provided, further*, that in any year when a new registration of voters is required by law, the registrar of voters shall be paid the sum of ten (10c) cents per name for each elector registered by him."

Also: On page 8, Section 1, line 141 of the printed bill, strike out the word "herein" and insert in lieu thereof the following "in this section".

Also: In line 148 of page 8, strike out the word "herein" and insert in lieu thereof the following: "in this section".

Motion carried.

The Speaker appointed Mr. Rogers of Alameda as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 4, with instructions, do now report that the instructions of the Assembly have been carried out.

ROGERS of Alameda, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, and on file for passage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911

MR SPEAKER: Your Committee on Conservation, to whom was referred Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power, fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder, providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than fifty years, limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated, providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water, reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges, preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or elec-

trical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor creating and establishing a state board of control, providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control, declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act" approved April 8, 1911—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CLARK, Chairman.

The above reported bill ordered on file for second reading

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following: Assembly Bill No. 73—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act, and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act to be designated as Section 29, relating to the duties of the county clerk and registrar of voters, also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act, also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts"—and report that the same has been correctly engrossed.

RANDALL, Chairman.

THIRD READING OF SENATE BILLS

Senate Bill No. 38—An Act to authorize the Superintendent of Capitol Building and Grounds to employ extra help for the extra session of the thirty-ninth Legislature for the month of December, 1911, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 38 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri,

Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—62

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No 12 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, and Young—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 10—Relative to the Simmons National Quarantine Act, now before Congress

During the consideration of the Senate joint resolution, the following amendments were submitted by the committee:

On page 2, line 40, strike out the word "passage" and insert in lieu thereof the following: "provision"

Amendment adopted.

On page 2, line 50, strike out all the words after the word "Resolved," in lines 50, 51, 52, 53, and 54, and insert in lieu thereof the following: "That a copy of this resolution be forthwith transmitted by the Chief Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California."

Amendment adopted.

Senate joint resolution ordered to reprint, and on file for consideration.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Clark:

Resolved, That Assembly Bill No 73 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Mr. Clark moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—65.

NOES—None.

THIRD READING OF BILL.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act and by repealing Sections 16, 21, and 31 of said Act and by adding a new section to said Act to be designated as Section 29, relating to the duties of the county clerk and registrar of voters, also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act, also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 73 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, and Young—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF JOINT RESOLUTION.

Senate Joint Resolution No. 9—Relative to the continuance by the United States of the Government line of steamers from eastern seaports to Colon, in the canal zone, and the extension thereof to San Francisco and other seaports on the western coast of the United States on the completion of the Panama Canal.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott,

Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits Walsh, Williams, Wilson, Wyllie, and Young—50.

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

SECOND READING OF SENATE BILL

Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1 of the printed bill, in the line beginning with the figures "1094," after the word "year," insert a comma followed by the words "to continue for two years, except as hereinafter provided.".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 7 of the printed bill, omit the period and in lieu thereof insert a comma, followed by the words " ", when it shall cease for such election as to electors residing in the territory within which such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; *provided*, that where any general or special municipal election, or any other special election, is held between the first day in January and the closing of registration for the November general election of the year in which such new registration is had, the original affidavits of registration and indexes used in the last general state electon in any county or city and county in this State may be used, together with the original affidavit of registration since the last election, and supplemental indexes, showing all additional registration, changes and corrections made since the registration for the last general election, completed to and including the thirtieth day prior to said general or special municipal election or other special election, which shall be the last day on which any person may register or transfer registration so as to entitle said person to a vote at such election"

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading

RESOLUTION.

The following resolution was offered:

By Mr. Bishop:

Resolved, That there shall hereby be appropriated out of the Contingent Fund of the Assembly the sum of five hundred dollars ($500.00), or so much thereof as may be needed, for the purpose of purchasing boxes, packing, marking and expressing all papers and documents belonging to the Assemblymen to their place of residence at the close of this extra session. The Sergeant-at-Arms of the Assembly shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the amount necessary and expended, and the Treasurer is directed to pay the same

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

LEAVE OF ABSENCE.

On motion, Mr Lynch was granted leave of absence for the day

RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Mr Bohnett, the Assembly was declared at recess until three o'clock P. M. of this day.

REASSEMBLED.

At three o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON RULES AND REGULATIONS

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Senate Concurrent Resolution No. 2—Relative to Joint Rules—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

PREISKER, Chairman.

MOTION.

Mr. Brown moved that the report be printed in the Journal, together with the concurrent resolution, and that the consideration of the whole matter be made a special order for Thursday, December 21, 1911, immediately after the reading of the Journal

Motion carried.

SENATE CONCURRENT RESOLUTION NO. 2.

Resolved by the Senate, the Assembly concurring, That the following be and are hereby adopted as the Joint Rules of the Senate and Assembly of the Legislature of the State of California for this special session of said Legislature:

JOINT RULES OF SENATE AND ASSEMBLY.

Joint Address to Governor

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each house.

Bill or Resolution in One House, Rejected in the Other, Requires Notice.

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Each House to Transmit Papers

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and Concurrent Resolutions

4. Joint resolutions are those which relate to matters connected with the Federal Government All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

Joint Resolutions Treated as Bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house

Amendments to Amended Bills Must Be Attached.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be

Bills Read and Referred to Committee.

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or

Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee

After a Bill Has Been Passed by the Senate or Assembly

8. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule, provided that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

To Concur or Refuse to Concur in Amendments

9. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

When Amendments Are Concurred In.

10. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

When Senate or Assembly Refuse to Concur.

11. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The committee on conference shall report to both the Senate and Assembly.

Committee on Conference.

12. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

Committee on Free Conference.

13. If the committee on conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference. The Committee on Free Conference shall have power to embody in its report any amendment or amendments which a majority of said committee shall approve and recommend for adoption, and any such proposed amendments shall be attached to the bill. The final report of said committee need not be signed by all of its members, but any four of said members may submit such report.

The report of the Committee on Free Conference shall not be subject to amendment in either house, and unless at least four members of the Committee on Free Conference unite in the submission of a report no further action shall be taken with respect to the bill then under consideration.

When Conference Committee Report is in Order.

14. The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages Must Be Announced by the Assistant Sergeant-at-Arms.

15. When a message shall be sent from either house it shall be announced at the door by the Sergeant-at-Arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

Secretary, Clerk, Etc., to Carry Messages.

16. Messages shall be sent by the Secretary, Clerk or by such person as a sense of propriety of each house may determine to be proper

Notice to be on Paper, Under Proper Signatures

17. Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

Enrolled Bills to Receive Signature of Proper Officer.

18. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Engrossing and Enrolling Clerk and Engrossing and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

Enrolling Committee to Compare.

19. When bills are enrolled they shall be reëxamined by the Engrossing and Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

President and Speaker to Sign Bills.

20. After the examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

Enrolling Committee to Present Bills to Governor.

21. After a bill shall have been thus signed in each house, it shall be presented by the Engrossing and Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first endorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

Daily History of Bills, Etc.

22. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used

Secretary and Clerk to Keep Register.

23. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and Clerk Shall Endorse Bills.

24. The Secretary of the Senate and Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

Adjournment Sine Die.

25. An adjournment *sine die* shall be made only by concurrent resolution.

Dispensing With Joint Rules.

26. No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

PROPOSED AMENDMENT.

Strike out all of Rule 13, including the title, and insert in lieu thereof the following:

Committee on Free Conference.

13. If at least four members of said Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference, to consist of six members appointed in the same manner as the Committee on Conference. The Committee on Conference and the Commitee on Free Conference shall each have power to embody in its report any amendment or amendments which a majority of the committee shall approve and recommend for adoption, and any such proposed amendment shall be attached to the bill. The final report of either of said committees need not be signed by all its members, but any four of said members may submit such report. The report of neither the Committee on Conference nor the Committee on Free Conference shall be subject to amendment in either house, and unless at least four members of the Committee on Free Conference unite in the submission of a report, no further

action shall be taken with respect to the bill then under consideration. No member of the Conference Committee shall be appointed as a member of the Free Conference Committee.

RECESS.

At three o'clock and twenty-five minutes P. M., on motion of Mr. Beatty, the Assembly was declared at recess until three o'clock and forty minutes P. M. of this day.

REASSEMBLED.

At three o'clock and forty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 2—An Act making an appropriation for the purpose of carrying out the provisions of the Public Utilities Act.

Also: Assembly Bill No. 21—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Also: Assembly Bill No. 72—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following have been correctly enrolled:

Assembly Concurrent Resolution No. 1—Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 17th day of October, 1911.

Also: Assembly Concurrent Resolution No. 2—Approving charter of the city of Sacramento, county of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general election therein on the 7th day of November, 1911.

Also: Assembly Bill No. 26—An Act to amend section seventeen of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Also: Assembly Bill No. 41—An Act to amend section one of an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

Also: Assembly Bill No. 4—An Act to amend Section 1083 of the Political Code of the State of California, relating to the qualifications of a voter.

Also: Assembly Joint Resolution No. 3—Relative to a bill before Congress known as the "Sulloway Bill," for the relief of the veterans of the Civil War.

And were presented to the Governor December 20, 1911, at one o'clock and thirty minutes P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 2 with Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the Public Utilities Act.

And: Assembly Bill No. 55 with Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Also: Assembly Bill No. 21 with Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

And report that the same are identical.

RANDALL, Chairman.

The above reported Senate bills ordered on file for second reading.

SECOND READING OF SENATE BILLS.

Mr. Sutherland asked for, and was granted, unanimous consent to have Senate Bill No. 7 taken up for second reading.

Senate Bill No. 7.—An Act making an apropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

Bill read second time.

Mr. Cogswell asked for, and was granted, unanimous consent to have Senate Bill No. 53 taken up for second reading.

Senate Bill No. 53—An Act to make appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

Bill read second time.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 7 and 53.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos. 7 and 53 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 7 and 53, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman

Bills ordered on file for third reading.

SECOND READING OF SENATE BILL

Mr. Schmitt asked for, and was granted, unanimous consent to have Senate Bill No. 2 taken up for second reading.

Senate Bill No 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures

and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

During second reading of bill, the following amendments were submitted by the committee:

On page 2, Section 2, line 5, after the word "be", strike out the words "thirty-six hundred" and insert in lieu thereof the words "three thousand".

On page 4, Section 9, line 2, after the word "and", strike out the word "incorporated".

On page 7, Section 16, line 6, after the word "counties" insert the words "cities and counties".

On page 7, Section 16, line 8, after the word "counties" insert the words "and cities and counties".

On page 7, Section 16, line 10, after the word "county" insert the words "or city and county".

On page 7, Section 16, line 11, after the word "county" insert the words "or city and county".

On page 7, Section 16, line 23, after the word "county" insert the words "or city and county".

On page 7, Section 16, line 27, after the word "county" insert the words "or city and county".

On page 7, Section 16, line 31, after the word "county" insert the words "or city and county".

On page 7, Section 16, line 33, after the word "county" insert the words "or city and county".

On page 7, Section 16, line 38, after the word "county" insert the words "or city and county".

On page 7, Section 16, line 40, after the word "county" insert the words "or city and county".

On page 8, Section 17, line 13, after the word "sealer" strike out all of the following sentence commencing with the word "In" down to and including the word "paid." on line 18, and add the same to the end of Section 16, line 46, page 8, after the word "thereof".

On page 8, Section 17, line 1, after the word "body", strike out all of the sentence commencing with "of" and ending with "or" on line 2.

On page 8, Section 17, line 3, after the word "measures", strike out lines 3, 4, 5, 6, 7 and 8 down to and including the word "town".

On page 12, at the end of Section 28, after the word "measure", insert the following: No penalty shall be imposed for use of an untested scale, weight, beam or measure after written request for such test and until the same has been actually made".

On page 16, Section 42, line 2, after the word "of", strike out the word "twelve" and insert in lieu thereof the word "eleven".

On page 16, make Section 42 to read as follows: "The provisions of this Act shall not apply to the use of scales, weights, beams or measures for weighing and measuring commodities raised or produced on the premises where sold, and sold only in retail lots except that wilful use of short weights and false scales and measures shall be always unlawful".

On page 16, Section 42 should be changed to read "Section 43".

On page 16, Section 43 should be changed to read "Section 44"

Amendments lost.

The following amendments were submitted by Mr. Beatty:

AMENDMENT No 1

Page 2, Section 2, lines 5 and 6, after the word "be", in line 5, strike out the words "thirty-six hundred" and insert in lieu thereof the words "three thousand"

AMENDMENT No. 2

Page 4, Section 9, line 2, strike out the word "(incorporated)".

AMENDMENT No 3.

Page 5, Section 9, line 26, strike out the word "sealer" and insert in lieu thereof the words "state superintendent".

AMENDMENT No. 4.

Page 7, Section 16, line 6, after the word "counties" insert the following: "or cities and counties"

AMENDMENT No. 5.

On page 7, Section 16, line 8, after the word "counties" insert the words "or cities and counties"

AMENDMENT No. 6

Page 7, Section 16, line 10, after the word "county" insert the words "or city and county".

AMENDMENT No. 7.

Page 7, Section 16, line 11, after the word "county" insert the words "or city and county".

AMENDMENT No 8

Page 7, Section 16, line 17, after the word "county" insert the words "or city and county".

AMENDMENT No 9

Page 7, Section 16, line 23, after the word "county" insert the words "or city and county".

AMENDMENT No. 10.

Page 7, Section 16, line 24, after the word "county" insert the following: "or city and county,"

AMENDMENT No. 11

Page 7, Section 16, line 27, after the word "county" insert the following: "or city and county,".

AMENDMENT No. 12.

Page 7, Section 16, line 31, after the word "county" insert the words "or city and county".

AMENDMENT No. 13.

Page 7, Section 16, line 32, after the word "county" insert the words "or city and county".

AMENDMENT No. 14.

Page 7, Section 16, line 33, after the word "county" insert the words or city and county".

AMENDMENT No. 15.

Page 7, Section 16, line 36, after the word "county" insert the words "or city and county".

AMENDMENT No. 16

Page 7, Section 16, line 38, after the word "county" insert the words "or city and county".

AMENDMENT No. 17

Page 7, Section 16, line 40, after the word "county" insert the words "or city and county".

AMENDMENT No. 18.

Page 8, Section 16, line 43, after the word "county" insert the words "or city and county".

AMENDMENT No. 19.

Page 8, Section 16, line 44, after the word "county" insert the words "or city and county".

AMENDMENT No. 20.

Page 8, Section 16, line 46, after the word "thereof" and the "period (.)" add the following: "In counties of the second class the sealer shall receive as compensation the sum of twenty-four hundred dollars per year and shall be allowed four deputies, who shall receive as compensation the sum of eighteen hundred dollars per annum, each payable in the same manner as the salaries of other county officers are paid."

AMENDMENT No. 21.

Page 8, Section 17, lines 1 and 2, strike out after the word "body", on line 1, the words "of any county or city and county or"

AMENDMENT No. 22.

Page 8, Section 17, strike out the word "such", line 5, and all of lines 6, 7 and 8.

AMENDMENT No 23.

Page 8, Section 17, commencing on line 13 after the word "sealer," strike out the remainder of Section 17.

AMENDMENT No. 24.

Page 10, strike out all of Sections 24 and 25, and renumber all the succeeding sections up to and including Section 41 to conform with these eliminations.

AMENDMENT No. 25

Page 12, Section 28, add at end of line 32 the following: "no penalty shall be imposed for use of an untested scale, weight, beam, or measure after written request for such test and until same has been actually made."

AMENDMENT No. 26.

Page 12, Section 29, line 6, after the word "kept", strike out "for the purpose of sale, sold," and insert in lieu thereof the words "for use,".

AMENDMENT No. 27.

Page 16, after Section 41 insert a new section to read as follows:

"Sec. 42. The provision of this Act shall not apply to the use of scales, weights, beams, or measurements for the weighing or measuring of commodities raised or produced on the premises where sold, and sold only in retail lots except that the wilful use of short weights and false scales and measures shall always be unlawful."

AMENDMENT No 28.

Renumber remaining Sections 42 and 43 so as to read 43 and 44, respectively.

AMENDMENT No. 29.

Page 16, Section 42, line 2, strike out the word "twelve" and insert in lieu thereof the word "eleven".

Amendments ordered printed in the Journal, and further action postponed until next legislative day.

The following amendments were submitted by Mr. Hamilton:

AMENDMENT No. 1.

In Section 1, strike out all of lines 5, 6, and 7 and insert in lieu thereof the following: "whose duties shall be the administration and enforcement of this Act".

AMENDMENT No. 2.

In lines 5 and 6 of Section 2, strike out the words "thirty-six hundred" and insert in lieu thereof the following: "three thousand."

AMENDMENT No. 3.

Strike out all of Section 3 and insert in lieu thereof the following:

"SEC. 3. The state superintendent may appoint such deputies as he may deem advisable, not to exceed five, subject to the approval of the Governor, who shall have the same power as the state superintendent. Such deputies shall have a salary of fifteen hundred dollars per annum, to be paid in the same manner and at the same time as the salaries of state officers. They shall be at all times subject to removal at the pleasure of the state superintendent or of the Governor."

AMENDMENT No. 4.

In line 2, Section 4, strike out the word "traveling" and insert in lieu thereof the word "transportation".

AMENDMENT No. 5.

Strike out all of Sections 7 to 32 inclusive, and insert in lieu thereof the following

"SEC. 7. The Superintendent of Weights and Measures shall make or cause to be made examinations of weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures at such times and places and to such extent as said Superintendent of Weights and Measures may determine, for the purpose of investigating and ascertaining if any mechanical devices above enumerated are false or incorrect.

SEC. 8. It shall be the duty of the Superintendent of Weights and Measures whenever he has satisfactory evidence of the violation of this Act, respecting the fraudulent use of weights, scales, beams, measures of every kind, instrument or mechanical devices for weighing, or measurement, and tools, appliances and accessories connected with any or all such instruments or measures to report such fact to the district attorney of the county where the law is violated

SEC. 9. It shall be the duty of the district attorney to prosecute all violations of the provisions of this Act occurring in his county.

SEC. 10. Any person who, by himself, or his employee or agent, or as the employee or agent of another, shall use, in the buying or selling of any commodity, a false weight or measure or weighing or measuring instrument, or use any weight or measure or weighing or measuring instrument in any county, city, town, or city and county, or any person who by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to or calculated to falsify any weight or measure, and any person, who by himself or his employee, or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than he represents it to be shall be guilty of a misdemeanor."

AMENDMENT No. 6.

Strike out all of Section 33 and insert in lieu thereof the following:

"SEC. 11. The state superintendent or his deputies in the performance of their official duties, shall have the same powers as are possessed by peace officers of this State."

AMENDMENT No. 7.

Strike out all of Sections 34, 35, 36, and 37 and insert in lieu thereof:

"SEC. 12. Any person who shall hinder or obstruct in any way the state superintendent or his deputies in the performance of their official duties or shall neglect or refuse to exhibit any weights, measures, or weighing or measuring instrument of any kind, or appliances or accessories connected with any or all such measures or instruments which are in his possession or under his control to the state superintendent or his deputies for the purpose of allowing the same to be inspected and examined as in this Act provided, shall be guilty of a misdemeanor.

SEC. 13. Upon the application of any person, persons, company or corporation, the Superintendent of Weights and Measures shall detail a deputy, who shall proceed to the place or places of business of the above named person, persons, company or corporation with the necessary standards of weights and measures and shall examine and test the weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances, and accessories connected with any or all such instruments and measures and such as he finds correct he shall give his certificate to the owner thereof stating that same were correct at time of examination, and shall also place a seal upon such article showing same correct at date of inspection. All expenses of said examination shall be borne by the State, except that the parties asking such examination shall pay the expenses of the transportation of the standards to and from the places of examination."

AMENDMENT No. 8.

In line 1, Section 38, after the word "Sec." strike out the figures "38" and insert in lieu thereof "14."

AMENDMENT No. 9.

Strike out all of Sections 39, 40, 41, 42, 43 and insert in lieu thereof the following:

"SEC. 15. There is hereby appropriated out of the General Fund of the State the sum of eleven thousand ($11,000) dollars for carrying into effect the provisions of this Act, and for the purchase of all necessary standards of weights and measures, necessary for the carrying out of this Act.

SEC. 16. This Act shall not affect the appointment or the duties of any sealer of weights and measures heretofore appointed, or who may hereafter be appointed, for any city or town acting under a freeholders' charter."

AMENDMENT No. 10.

Amend the title of Senate Bill No. 2 so as to read as follows:

"An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection thereof; to provide penalties for the violation of the provisions of this Act; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect."

Bill read second time, amendments ordered printed in the Journal, and further action postponed until next legislative day.

RESOLUTION.

The following resolution was offered:

By Mr. Cogswell:

Resolved, That Senate Bill No. 53 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, and Mr. Speaker—65.

NOES—None.

THIRD READING OF SENATE BILL.

Senate Bill No. 53—An Act to make appropriation for the contingent expenses of the Senate for the extra session of the thirty-ninth Legislature of the State of California during the sixty-third fiscal year.

Bill read third time.

The question being on the adoption of the emergency clause.

The roll was called, and the emergency clause adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—67.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 53 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—63.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 20, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assem-

bly districts, and repealing section twenty-seven of article four of said Constitution relating to congressional districts and the formation thereof.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Senate Constitutional Amendment No. 7 read, and referred to Committee on Constitutional Amendments.

MOTION.

Mr. McDonald moved that the Assembly adjourn until eleven o'clock A. M. of Thursday, December 21, 1911.

Motion lost.

MOTION.

Mr. Hinkle moved that the Assembly adjourn until eleven o'clock A. M. of Thursday, December 21, 1911.

POINT OF ORDER.

Mr. Schmitt rose to the following point of order: That an identical motion had just been voted down.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until eleven o'clock and five minutes A. M. of Thursday, December 21, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, December 21, 1911

At eleven o'clock and five minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—76.

Quorum present.

LEAVES OF ABSENCE.

On motion, Messrs. Gaylord, Lynch, and Walker were granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Gerdes.

SPECIAL ORDER

The reading of the Journal having been dispensed with, the special order heretofore set for this time was taken up for consideration.

Senate Concurrent Resolution No. 2—Relative to joint rules.

The question being on the pending amendment.

MOTION.

Mr. Rutherford moved that the consideration of the amendment be postponed until the next legislative day, immediately after the reading of the Journal.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section six of article four thereof, relating to senatorial and assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

SUTHERLAND, Chairman.

Senate constitutional amendment ordered on file for consideration

SENATE MESSAGES

The following messages from the Senate were taken up and read

SENATE CHAMBER, SACRAMENTO, December 20, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Assembly Bill No 61—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

WALTER N PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

The above Assembly bills ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 14—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

WALTER N. PARRISH Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 14 read, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER SACRAMENTO, December 20, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 49—An Act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts.

Also: Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 49 read first time, and referred to Committee on Reapportionment.

Senate Bill No. 54 read first time, and referred to Committee on Engrossment and Enrollment

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 8—An Act to amend Section 4021*a* of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof

Also: Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code of the State of California, relating to public highways.

Also: Assembly Bill No 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard, providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard,' approved March 22, 1905, and the Act amendatory thereof, approved April 15, 1909," approved May 1, 1911; said amendments relating to elections

Also: Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

Also: Assembly Bill No. 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Also: Assembly Bill No. 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 8?"

On page 2, line 14, strike out the words "members of the House of Representatives of the Congress of the United States" and insert in lieu thereof the following: "the office which the incumbent, sought to be removed, occupies."

Also: On page 4 line 88, insert between the words "nominated" and "as" the

following: "in the manner provided by law for the nomination of candidates for such office".

Also: In Section 1, lines 16 and 17, strike out the word "congressman" and insert in lieu thereof the following: "office".

The roll was called, and Senate amendments to Assembly Bill No. 8 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—68.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 53?"

On page 1, Section 1, line 14, strike out the words "persons over whose lands said" and insert in lieu thereof the following: "resident owner or agent of the owner of the land over which the".

The roll was called, and Senate amendment to Assembly Bill No. 53 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, and Mr. Speaker—68.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 32?"

Strike out the letter "d" after the figures "22," in line 17 of the title.

Also Strike out the letters "th" after the figures "15," in line 18 of the title.

Also: Strike out the letters "st" after the figure "1," in line 19 of the title.

The roll was called, and Senate amendments to Assemby Bill No. 32 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—67.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 9?"

On page 1, Section 1, line 7 of the printed bill, strike out the word "equal" and insert in lieu thereof the words "not less"

Also On page 1, Section 1, line 7 of the printed bill, strike out the word "to" and insert in lieu thereof the word "than".

Also: In Section 1, on page 2, line 43 of the printed bill, strike out the word "equal" and insert in lieu thereof the words "not less".

Also: In Section 1, page 2, line 43 of the printed bill, strike out the word "to" and insert in lieu thereof the word "than".

Also: In Section 1, page 2, lines 44, 45, and 46 of the printed bill, strike out the words "member of the house of representatives of the congress of the United States" and insert in lieu thereof the words "governor of the state".

Also: In Section 1, page 2, line 47 of the printed bill, strike out the word "congressman" and insert in lieu thereof the word "governor".

Also: In Section 1, page 3, line 56 of the printed bill, strike out the word "equal" and insert in lieu thereof the words "not less"

Also: In same line as preceding, strike out the word "to" and insert in lieu thereof the word "than".

Also: Same section and page, line 57, strike out and omit the words "at least".

Also: Same line as preceding, strike out and omit the word "such".

Also: Same section and page, line 58, strike out the word "congress" and insert in lieu thereof the word "governor".

Also: Same section and page, line 59, strike out the word "congress" and insert the word "governor".

Also: Same section and page, lines 65 and 66, strike out and omit the words "at which such candidates for congress are to be voted for".

Also: Section 1, page 5, line 145, strike out the word "twenty" and insert in lieu thereof the word "ten".

Also: Same section and page, lines 146 and 147, strike out the words "member of the house of representatives of the congress of the United States", and insert in lieu thereof the words "governor of the state".

Also: Same section and page, line 148, after the word "election," insert the words "at which a governor was voted for."

The roll was called, and Senate amendments to Assembly Bill No. 9 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—64.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 10?"

In Section 1, page 1, lines 12 and 13, strike out the words "member of the house of representatives of the congress of the United States" and insert in lieu thereof the words "the office which the incumbent sought to be removed occupies".

Also: Same section and page, line 13, strike out the word "general" and insert in lieu thereof the words "regular municipal".

Also: Same section and page, line 14, strike out the word "congressman" and insert in lieu thereof the word "officer".

The roll was called, and Senate amendments to Assembly Bill No. 10 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—69.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 11?"

In Section 1, page 1, line 6 of the printed bill strike out the word "equal" and insert in lieu thereof the words "not less".

Also: Same line, strike out the word "to" and insert in lieu thereof the word "than".

Also: Section 1, page 2, line 40, strike out the word "equal" and insert in lieu thereof the words "not less".

Also: Same line, strike out the word "to" and insert in lieu the word "than".

Also: Same section and page, lines 42 and 43, strike out the words "member of the house of representatives of the congress of the United States" and insert in lieu thereof the words "governor of the state".

Also: Same section and page, line 44, strike out the word "congressman" and insert in lieu thereof the word "governor".

Also: In Section 1, page 3, line 53, strike out the word "equal" and insert in lieu thereof the words "not less".

Also: Same section and page, lines 53 and 54, strike out the words "to at least" and insert in lieu thereof the word "than".

Also: Same section and page, line 55, strike out the word "congress" and insert the word "governor".

Also: Same section and page, line 56, strike out the word "congress" and insert the word "governor"

Also: Section 1, page 5, line 137, strike out the word "twenty" and insert in lieu thereof the word "ten".

Also: Same section and page, lines 138 and 139, strike out the words "member of the house of representatives of the congress of the United States" and insert in lieu thereof "governor of the state".

Also: Same section and page, line 140, after the word "election" insert the words "at which a governor was voted for".

Also: Section 1, page 5, after line 153 (at the end of the section as it is now printed) insert the following: "In cities or towns having a mayor (or like officer), with the veto power, the passage of an ordinance petitioned for by the electors, followed by its veto by the mayor (or like officer) and the failure of the legislative body to pass the same over such veto, shall be deemed and treated as a refusal of the legislative body to pass the ordinance, within the meaning of this statute; and a vote of the legislative body in favor of the repeal of an ordinance previously passed (but protested against by the electors as herein provided for) followed by a veto of such repeal by the mayor (or like officer) and the failure of the legislative body to pass said repeal over said veto, shall be deemed and treated as a refusal to repeal the ordinance so protested against. In such city or town the date of approval of an ordinance by the mayor, or like officer (or of the expiration without his action thereon of the time within which he may veto the same, if such expiration of time for his action without his approval or veto has the effect of making the ordinance a law) shall be deemed the date of final passage of the ordinance by the legislative body, within the meaning of this statute. Any duty herein in terms, or by reasonable implication, imposed upon the legislative body in regard to calling an election, or in connection therewith, shall be likewise imposed upon any mayor, or any other officer having any duty to perform connected with the elections, so far as may be necessary to fully carry out the provisions of this statute."

The roll was called, and Senate amendments to Assembly Bill No. 11 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Harlan, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—61.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in the Assembly amendments to Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their

employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—and respectfully requests your honorable body to recede from said amendments.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from its amendment to Senate Bill No. 11?"

The roll was called.

CALL OF THE HOUSE.

Pending announcement of the vote, Mr. Joel moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Callaghan, Clark, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Hayes, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, and Young—43

NOES—Messrs Bishop, Bliss, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Flint, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Maher, March, McGowen, Mendenhall, Mott, Randall, Rosendale, Slater, Stuckenbruck, Wilson, Wyllie, and Mr. Speaker—32.

Time, twelve o'clock and ten minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll:

The roll was called and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and twenty-five minutes P. M., Mr. Harlan moved that further proceedings under the call of the house be dispensed with.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Farwell, Flint, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Maher, March, McGowen, Mendenhall, Mott, Polsley, Randall, Rosendale, Slater, Stevenot, Stuckenbruck, Tibbits, Wilson, Wyllie, and Mr Speaker—39.

NOES—Messrs. Beatty, Beckett, Callaghan, Clark, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Hayes, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda,

Rutherford, Ryan, Sbragia, Smith, Sutherland, Telfer, Walsh, Williams, and Young—36.

The roll of absentees was called, and the Assembly refused to recede by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Callaghan, Clark, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzegrald, Freeman, Gerdes, Griffin of Modesto, Hayes, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Walsh, Williams, and Young—39.

NOES—Messrs. Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Flint, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Maher, March, McGowen, Mendenhall, Mott, Randall, Rogers of Alameda, Rosendale, Slater, Stevenot, Stuckenbruck, Tibbits, Wilson, Wyllie, and Mr. Speaker—37.

Bill ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, December 20, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day refused to concur in the Assembly amendments to Senate Bill No 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board, and fixing a penalty for refusal or neglect to keep such records or make such reports—and respectfully requests your honorable body to recede from said amendments

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from its amendment to Senate Bill No. 12?"

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Messrs Beatty, Beckett, Callaghan, Clark, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Hayes, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Walsh, Williams, and Young—36.

NOES—Messrs. Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Flint, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Maher, March, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Slater, Stevenot, Stuckenbruck, Tibbits, Wilson, Wyllie, and Mr. Speaker—38.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Cattell, the Assembly was declared at recess until three o'clock P. M. of this day.

REASSEMBLED.

At three o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

WYLLIE, Chairman.

The above reported Senate concurrent resolution ordered on file for consideration.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 7—Relative to establishment of dry docks on the bay of San Francisco or waters tributary thereto—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

The above reported Senate joint resolution ordered on file for consideration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER. Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 13—Relative to memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission relating to control of floods in the river systems of the Sacramento Valley and adjacent San Joaquin Valley, California—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

The above reported Senate joint resolution ordered on file for consideration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the Senate of the United States—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

The above reported Senate joint resolution ordered on file for consideration.

INTRODUCTION OF ASSEMBLY JOINT RESOLUTION.

The following was introduced, and referred as indicated:

By Mr. Maher: Assembly Joint Resolution No. 6—Relative to the California Redwood Park.

Read, and referred to Committee on Federal Relations.

STATEMENT BY MR. SLATER.

Mr. Speaker and Gentlemen:

In view of the recent adoption of the Bear flag as the official emblem of our State, and the fact that this week the flag has been displayed for the first time officially in our legislative halls, I request that "The History of the Bear Flag," as told by Tom Gregory at the ninth of September celebration of the Native Sons in Santa Rosa last year, be printed in the Journal of this Assembly This act will be very greatly appreciated by the historical county which I and my colleague, Mr. Hamilton, represent—the county in which the Bear Flag was raised

Request granted.

STORY OF THE BEAR FLAG—HOW THE STATE ENSIGN CAME INTO BEING.

By TOM GREGORY, Santa Rosa Parlor No 28, N. S G. W.

When the Thirty-three Immortals in Pueblo Sonoma, June 14, 1846, found themselves—a full-grown State with no flag to fit it, they made one, as they had made their commonwealth—immediately and with the material at hand. The result was the Bear Flag It was a domestic production, and it was not inglorious, if home-made. It was a symbol—in the rough, but the true article, of liberty, justice and peace. And it readily gave place to its prototype, the Stars and Stripes, when the little Sonoman republic was merged into the Great Republic of the North American States. In fact, the Bear Flag's single red bar and star is one of the thirteen stripes, and one of the thirty-one stars that shone on the national flag after California had been admitted into the Union. And this fact, which Native Sons may remember, California's star now on the blue field of the American ensign, first appeared on the Bear Flag.

This rudely-fashioned standard of a small State that lived but a brief period beyond its inception, is more than the mere caprice of a leaderless band of American immigrants. It arose over the plaza in Sonoma at a critical time, and it cleared the air for the other flag, and the way for American occupancy. Commodore Sloat with his squadron had beaten Admiral Seymour's British fleet in the sea-race from Mazatlan, but the Yankee naval officer was lying at anchor in the harbor of Monterey, hesitating to take possession of the port and the entire territory. He had heard rumors of war being on between Mexico and the United States, but he feared to move before he had received official confirmation of the news. And well he might hesitate. His predecessor, Commodore Ap Catesby Jones, four years previously, placed in like position, had raised his flag over the old adobe custom house in that city, and had to haul the colors down the next day, learning that he had been too abrupt. His indiscretion brought about his recall, to appease angry Mexico. Hence Sloat's timidity. As a matter of fact, the two republics were then at war, though this was unknown on the Pacific coast. Captain John Charles Frémont—the famous "Pathfinder"—surveying across the continent, had received secret instructions from the administration—instructions that were verbal and have never been filed or published—to use his own judgment, taking all responsibility, even concealing the participancy of the National Government, and forestall any occupancy of California by France or Great Britain. He sent the Bear Flag party to Sonoma, and when Sloat heard of the work in that pueblo and of Frémont's actions in other portions of the territory, he concluded that the "Pathfinder" was acting officially. Then the naval commander took possession of Monterey and directed Montgomery in the "Portsmouth" to possess Yerba Buena, also to raise the American ensign at Sonoma. It is a matter of history that Sloat afterwards acknowledged that he made his first move only when he had become convinced that Frémont was working under department orders which he (Sloat) had not yet received. And as additional evidence of the important part played here by the Pathfinder, by the Bear Flaggers and their flag, Sloat was severely reprimanded by the Navy Department, the administration holding that his timidity with the British fleet in the vicinity ready to work in conjunction with the annexation scheme of the Mexican government, jeopardized the claims and intentions of the United States. Alas, poor Sloat. He was punished for doing too little, while Jones received the same punishment for doing too much—on the same job.

In the knightly diction of heraldry the Bear Flag is: A grizzly passant on field argent, star at right dexter point, legend "California Republic" in lower half; horizontal bar gules from base to base. As an armorial bearing the bear is a suitable choice. Often he has been met on his eminent domain, and as a true native son, representative of the wild west, he has qualified His ordinarily mild manner and willingness to be let alone, also his latent prowess in argument when driven to the battle point, are well known. His high moral and physical standing in the animal settlements of the American continent make him socially fit for a place on anybody's flag Though a carnivora, he has no objection to a huckleberry meal, but only dire famine will drive him to a diet of Digger Indian And it is true that no Digger has ever eaten him The single star is a reflex of the lone luminary that lighted Texas in the night of her deadly struggle, and the red colonial bar along the lower edge of the white cloth represents the California Republic's single colony. Mrs John Sears furnished the square of white sheeting, and Mrs John Matthews, the Mexican wife of an American, contributed a flannel petticoat for the red stripe Some unchivalrous historian has tried to establish the version of the various Bear Flag stories that one of the hunters of the party donated his only shirt for this purpose, but as the nameless patriot never acknowledged the honor and the sacrificial red shirt, the alleged incident must be left out of the record. Chivalry, modesty and self-denial are the cardinal characteristics often found in heroes, so possibly he was a life-sufferer from all three of these virtues, and died unknown, unhonored and unsung.

On this topic and on this day here is given the verse of George Homer Meyer, a native of Sonoma County, and the first President of Santa Rosa Parlor, N. S.

G. W. It was read on the occasion of the Admission Day celebration held in Santa Rosa, September 9, 1885, and attended by representatives from every parlor in the State:

THE STRIPES AND THE STARS.

With the flag of all others we love and revere,
And whose stars float above us to-day,
Let us blend the Bear Flag of the brave pioneer,
While we wreathe them with laurel and bay.

With the names of our fathers its white folds engrave,
No dishonor its history mars,
And to-day do we hold it as fitting to wave
By the side of the Stripes and the Stars.

Unseemly and rude on that far June-day morn
Was the banner they lifted in air,
Yet the deed marked the hour when an Empire was born,
And the Spirit of Freedom was there.

So they raised up that flag by the westermost sea—
The flag of the grizzly, the star and the bar,
Its sponsers were Men and its folds floated free—
The Flag of the Stripe and the Star.

The immediate need of a flag was borne in upon them by the following incident: Early that morning after General Vallejo had been notified by his captors that he, his sword, the old brass guns on the wall, the rusty muskets in the castillo, and everything else possessed by Mexico in Sonoma, were prisoners of war, the old Don batted his eyes once or twice, said "bueno," and invited the fierce Americans to stay for breakfast Señora Vallejo stirred up her Indian cooks, and soon the General's dining hall—that was never closed to a stranger, especially to an American—was thrown open, and on the tables were loads of chile con carne, frijoles, tortillas, and wine from the mission grapes growing out by the old church of San Francisco de Solano. Needless to say, that banquet given by the Premier Native Son of the Golden West was a notable one. It has been reported that during the latter part of the feasting some of the invaders were swearing "Viva la Mexico," and General Vallejo was offered the presidency of the new republic. During the festivities an old Spanish soldier had stolen out into the plaza and raised the Mexican flag. He could not annihilate the hated gringos, but he could flaunt his country's ensign in their faces. This they found it doing when they issued from the banquet room

William Lincoln Todd, nephew of Mrs. Abraham Lincoln, was the artist of the Bear Flag. Henry Ford, one of the party, carefully outlined the general appearance of the grizzly, and then Todd insisted that he was an animal-painter, in fact a Landseer. His comrades told him to go ahead, and hurry. With a pen and ink he laboriously drew the figure of the bear on both sides of the white sheeting. By that time the "committee on flag" scouting around town had found and commandeered some linseed oil, lampblack and a can of red paint. These the "Landseer" of the republic mixed and spread on the cloth. In color the result was more cinnamon than grizzly, but the new State was not seeking mere color, and the work was accepted. Various art writers have tried their pens on that result. It has been called a bear rampant,—meaning, possibly, on the rampage— also a bear regardant,—regarding the landscape in an effort to locate a dinner. But these heraldic descriptions were not so practical as the criticisms of the curious town-people who looked, laughed and said it was "el porcino"; and an English sailor present voiced in his natal vernacular that idea when he said that it was "nothing so like a bloomin' red 'og."

Todd had no difficulty getting on what passed for a five-point star, but when he came to the inscription he struck his first snag. This is recorded in a letter written from Los Angeles, January 11, 1878, in which he says: "Mine was a grizzly bear passant, painted red; the flag mentioned by Hittell, the historian, with the bear rampant, was made, I believe in Santa Barbara, and was painted black. The flag I painted will be known by a mistake I made in tinting in the word 'California Republic.' The letters were first lined out with a pen, and I forgot the 'L' and put the 'C' in its place. Afterwards I put the 'I' over the 'C' which made the last part of 'REPUBLIC' look as if the final two letters were blended."

Red flannel petticoats have an honored place on American flags. The seven red stripes of the first national ensign flung to the winds, were donated by the wife of an American soldier who sacrificed her petticoat for that patriotic purpose. James McChristian of Sebastopol, who, with his father, Patrick, was one of the Bear Flag party, saw the "flag committee" at work. He says that Jack Randsford, Peter Storm and John Kelly were told off by Captain Ezekiel Merritt to do the "heavy" work. These three men being sailors and necessarily sea-tailors, were supposed to know much about sails, flags and other fabrics. In their cruisings around the pueblo they

found Mrs. John Matthews, a native of California, and the wife of the American express-rider between Sutter's Fort and Sonoma. She provided the flannel band, and Randsford sewed it on the white sheeting below the bear passant. That bear may be a "native son," but the red petticoat-stripe is more distinctly "native daughter," and the Native Daughters of the Golden West may logically plead their stronger claim to the Bear Flag as an emblem of their order. Josefa Matthews—woman of Spain—wife of an American—Californienne—is the Bear Flag daughter of the golden west.

Although the Bear Flag arose over the defeat of General M. G. Vallejo and the national cause he represented and tried to defend, later as a member of the order of the Native Sons of the Golden West he was politically loyal to the State of California and fraternally loyal to the Banner of the Bear. Let all Native Sons honor him, their brother, who sleeps to-day at Lachryma Montis.

Los Osos—the bears—as the Californians called the Americans, were highly pleased with Todd's labors, and Todd was correspondingly highly pleased with himself, his oil painting and their tributes to his handicraft. He wanted to increase his output of flags while he was about it, he said, but he had been so wasteful with his color-supply that there was no more in the California Republic, and the one ensign had to do for the whole State. Captain Stephen Smith, at Bodega, made a fair copy of the original—fair enough for working purposes—which he used till the republic was lost in the American commonwealth.

When the war paint on the white sheeting was sufficiently dry to stay where Todd had put it, the California Republic took her stand in the northwest corner of the Sonoma plaza for the first flag-raising. They did not use the old brass battery for a salute, as they did not know whether or not the ancient guns could be fired without bursting and destroying the new State. Moreover, powder was scarce.

Then the Banner of the Bear
With its single stripe and star
Went aloft.

And the brave little ensign of Mexico that had waved defiance all day to the invading gringoes, its red, white and green rising and falling on the soft, saline winds that came up the valley from the sea, dropped down from its place and out of history.

Regarding the exchange of ensigns by Lieutenant J. W. Revere of the U. S. Sloop of War "Portsmouth," the following incident is told by James McChristian. "After the Bear Flag had been unbent from the staff halliards and Revere was fastening Old Glory to the rope, Midshipman John E. Montgomery, the son of Commander John Montgomery of the 'Portsmouth,' carefully folded the square sheeting into a neat package and placed it in his coat pocket, saying, 'This is worth taking care of.' The lad was at that time just my own age—eighteen—a fine, manly fellow, and nobody objected to his action." The gallant middy of the old-time Yankee navy, who appreciated and cared for the passing Bear Flag, gave his life in the service of his country and this State, as he was killed in a fight with hostile Indians near Sutter's Fort soon after this event. McChristian, seventy-four years old, the last of the Bear Flaggers, remembers clearly the stirring times in this county during the "roaring forties." He was employed by Revere to haul two 18-pounder brass guns from Sonoma to the Embarcadero, where they were to be shipped to the "Portsmouth," at Yerba Buena. The officer had found them on the wall looking frowningly across the valley, with their muzzles full of last year's swallow nests, and he intended to have them mounted at the Annapolis naval academy as object-lessons for the cadets. McChristian's two-yoke of oxen balked on the job, and his claim for the work has slept in its War Department pigeonhole for sixty-three years.

Though the Bear Flag passes from the Sonoma plaza, it does not pass from further history. Its adoption by the California Republic June 14, 1846, makes its anniversary identical with that of the ensign that supplanted it, as June 14, 1777, Congress adopted the thirteen stars and the thirteen stripes as the national flag. Its adoption by the Native Sons, June 8, 1880, makes it the standard of their order, and its adoption by the Legislature, March 3, 1911, makes it the State Flag. Its lone star was the star of Texas, and is now the star of California on the national ensign. Its bear, at the request of Major J. R. Snyder, of Sonoma, was engraved on the great seal of the State. The Bear Flag is yet in active service, and not one feature on its folds is idle. Its political life was only twenty-five days, but during twenty-three of them it was the sole American flag of any description in this territory, and its presence at Sonoma was a deterrant to the foreign powers hesitating to move for possession. Its presence at Sonoma finally moved the hesitating United States naval commander at Monterey to send the Stars and Stripes ashore and seal California to Uncle Sam forever.

July 4, 1846, the Bear Flag republic had a "Fourth" at home. Out in the plaza this small band of "republicans" read the Declaration of American Independence under their own ensign, not having a United States flag in the new commonwealth. They had an oration, barbecued one of General Vallejo's beeves, and the ancient battery on the wall bellowed a salute to the big and the little republic. It was a remarkable observance—the only one of its kind in history. The guns of the Mexican Republic were fired by the California Republic to celebrate the American Republic. It was a

republican voice of thunder from Forty-Six speaking to Seventy-Six. Over the space of seventy years,—over the space of a hemisphere, rebel called to rebel, brotherhood to brotherhood, one flag—one blood—after all.

It was a remarkable observance to the Californians who were attending a "Quarto de Julio" for the first time in their sleepy, mañana lives. But it was some kind of a fiesta, and they all had been invited, so they turned out in their native finery. Because of the flag and the guns, they knew the gathering was of a patriotic character, but the exercises in the English language were mystifying. The Declaration which the Americano was reading seemed to be a pronunciamento against somebody; they had heard pronunciamentos before, and when the reader hurled his fierce denunciation at King George III, they felt war in the air. And they smiled in anticipation of witnessing an American revolution, or of seeing the gringos get up a fight with somebody other than themselves.

This is the story of the Bear Flag. What more honor and distinction could it have? Every Native Son and Daughter of the Golden West may proudly wear the little emblem of the bear, for in the world of heraldry there is no more knightly symbol.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Mr. Bishop asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 7 taken up for consideration.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section six of article four thereof, relating to senatorial and assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof.

During the consideration of constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, page 2, line 32, printed bill, after the word "thereof", insert the following: "which shall constitute the reapportionment of this State until another reapportionment shall be lawfully made and filed pursuant to the provisions of this section".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, page 3, line 79*a*, of the printed bill, strike out the "period" after the word "law" and insert the following: "and until a commission shall be elected and chosen pursuant to the provisions of this section the Legislature shall have the same power to reapportion the State into assembly, senatorial and congressional districts as it would have had if this amendment had not been made; *provided, however*, that if the Legislature shall not have before the final adjournment of its regular session of the year 1913 fully reapportioned this State as to assembly, senatorial and congressional districts, then and in such event at the general election in this State in the year 1914 there shall be elected and chosen a state reapportionment commission under the provisions of this section in the same manner as if it were a decennial year mentioned in this section, and such commission shall be called to meet, and must meet, and reapportion this State as to any assembly, senatorial and congressional districts which have not been reapportioned since the Federal census of the year 1910, in the same manner as if such commissioner had been chosen under this section in a decennial year referred to in this section".

Amendment adopted.

AMENDMENT No. 3.

In Section 1, page 5, line 138, strike out the word "comptroller" and insert in lieu thereof the word "controller".

Amendment adopted.

AMENDMENT No. 4.

In Section 1, page 5, line 139, strike out the word "comptroller" and insert in lieu thereof the word "controller".

Amendment adopted.

AMENDMENT No. 5.

In Section 1, page 6, line 161, strike out the word "comptroller" and insert in lieu thereof the word "controller".

Amendment adopted.

AMENDMENT No. 6.

Strike out the period after the word "assembly", in Section 1, page 3, line 57 of the printed bill, and insert in lieu thereof a semicolon, and the following: "*provided*, that no county, or city and county, shall ever be apportioned, or be allowed, more than fifteen per centum of the total membership of either the Senate or the Assembly; *and provided, further*, that no four counties, including any city and county, shall ever be apportioned or be allowed more than forty-five per centum of the total membership of either the Senate or the Assembly."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for consideration.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No 11—Relative to the printing of the statutes of the thirty-ninth extra session for the purpose of distribution.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly Concurrent Resolution No. 11 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, under suspension of Article IV, Section 15 of the Constitution, Assembly Bill No. 73—An Act to amend an Act entitled "An Act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act, and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act to be designated as Section 29 relating to the duties of the county clerk and registrar of voters; also by adding a new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act; also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows: "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts."

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California, to be numbered 1095*a*, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

Also: Assembly Bill No. 63—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 7?"

On page 2, Section 1, line 11, strike out the words and figures "go to 50 and so on" and insert in lieu thereof the following: "continue in sequence".

Also: On page 2, Section 1, line 29, strike out the words "within five days" and insert in lieu thereof the following: "immediately".

The roll was called, and Senate amendments to Assembly Bill No. 7 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—60.
NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 63?"

On page 1, Section 1, line 11, strike out the words "and shall commence to be sent by mail" and insert in lieu thereof the following: "Said clerk or secretary shall commence to mail the same".
Also: On page 1, Section 1, line 12, strike out the words "by such clerk or secretary".
Also: On page 1, Section 1, line 14, strike out the word "been" and insert in lieu thereof the following: "of the same".
Also: On page 2, Section 1, lines 24, 25, 26, 27, and 28, strike out the lines beginning with the word "He" line 24, and ending with the word "mail" line 28, inclusive.
Also: On page 2, Section 1, line 29, strike out the word "also".

The roll was called, and Senate amendments to Assembly Bill No. 63 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Hinkle, Jasper, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—58.
NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots.

Also: Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations.

Also: Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled an Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909," approved April 7, 1911.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

THIRD READING OF SENATE BILLS.

Senate Bill No. 4—An Act to amend the Political Code of the State of California by adding two new sections thereto, to be numbered

4149*e* and 4149*f*, providing for the appointment of a registrar of voters, prescribing his duties, and fixing his term of office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 42—An Act to amend Section 4017 of the Political Code with reference to the consolidation of county offices.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 42 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 5—An Act to amend section four thousand and thirteen of the Political Code of California, relating to the officers of a county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote.

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 6—An Act to amend Section 4232 of the Political Code of California, relating to the salaries and fees of officers in counties of the third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 43—An Act to amend Section 4020 of the Political Code, referring to consolidation of county offices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 43 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 10—Relative to the Simmons National Quarantine Act now before Congress.

Joint resolution read, on motion adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 10,

Relating to the Simmons National Quarantine Act now before Congress.

WHEREAS, The State of California is now expending more than one million dollars annually in combating insect foes, one firm having spent more than twenty-five thousand dollars in a single season in the effort to control a single insect pest; and

WHEREAS, We are confident from our recent experiences that a thorough quarantine during all the past of our horticultural history would have saved to our State a large part of this vast expenditure, as many of the pests now working havoc would not have gained admittance; and

WHEREAS, It is generally conceded that our California quarantine, the best in the country, has saved millions of dollars to other states as well as our own, and so is national in its scope, and should be national in its origin and authority; and

WHEREAS, It is imperative that persons and baggage be searched as well as fruits, plants, or seeds, etc., and this can only be done by consent of the Government, authorized by Congress; and

WHEREAS, We search persons and their effects when we suspect that they carry smuggled diamonds or other illicit valuables, and our fruit interests are of far more value and importance than are diamonds or other precious stones; and

WHEREAS, Insects carried by plants, especially such insects as the gypsy and brown-tail moths and the dreaded Mediterranean fruit fly, if transported across the country from port of entry, as from New York to California, or San Francisco to New England, are liable to escape in transit and thus may work irreparable damage; and

WHEREAS, It is imperative to the success of our agricultural interests that strict quarantine be established and rigidly enforced against any region harboring insect pests; and

WHEREAS, It is of exceeding importance to our agricultural interests to establish quarantine and to quarantine at such points as Nogales and El Paso, and also to search baggage and even persons, which can only be done by national permission and authority; therefore, be it

Resolved by the Senate and Assembly, jointly, That we respectfully urge Congress of the United States to pass the Simmons quarantine bill now before Congress, and to include in such bill a provision making the port of entry and not the point of destination the place of inspection and decision, and also a provision permitting a strict quarantine against any district of the United States or any foreign country where insect pests that threaten the safety and welfare of our agricultural interests are known to exist; and it is further

Resolved, That our Senators be instructed and our Representatives in Congress requested to use all honorable means to secure the passage of the Simmons bill, with the two provisions designated above included in the bill; and it is further

Resolved, That a copy of this resolution be forthwith transmitted by the Chief Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such a city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers

During the third reading of the bill, Mr. Joel moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 4 of the printed bill, strike out all of lines 4 to 9, both inclusive, and all of line 10 to and including the comma immediately after the word "question", and insert in lieu thereof the following: "of such municipal corporation, as provided in this Act, either at a general municipal election or at a special election held therein. Such question may be so submitted, either in pursuance of an ordinance of intention adopted by a vote of three fifths of all the members of the legislative body of such municipal corporation, declaring that the public interest requires the submission of, and that it is the intention of such legislative body to submit, such question to a vote of the qualified electors of such municipal corporation.".

Also: On page 4, Section 5 of the printed bill, strike out the words "the legislative", at the end of line 2 and all of lines 3 to 7, both inclusive, and all of line 8 to and including the period immediately after the word "act", in said line 8, and insert in lieu thereof the following: "as provided in Section 4 of this Act, the legislative body of such municipal corporation shall, by ordinance, order the holding of a special election for the purpose of submitting to the qualified electors of such municipal corporation the propositions set forth in such ordinance of intention or in such petition, as the case may be, which propositions shall be those set forth in Section 6 of this Act, or such legislative body shall, by ordinance, order the submission of such propositions at a general municipal election, as hereinafter provided."

Motion carried.

The Speaker appointed Mr. Joel as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 44, with instructions, do now report that the instruction of the Assembly have been carried out.

JOEL, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 32 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Gull, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures, providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

During the third reading of the bill, Mr. Beatty moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Page 2, Section 2, lines 5 and 6, after the word "be", in line 5, strike out the words "thirty-six hundred" and insert in lieu thereof the words "three thousand".

AMENDMENT No. 2.

Page 4, Section 9, line 2, strike out the word "(incorporated)".

AMENDMENT No. 3.

Page 5, Section 9, line 26, strike out the word "sealer" and insert in lieu thereof the words "state superintendent".

AMENDMENT No. 4.

Page 7, Section 16, line 6, after the word "counties" insert the following: "or cities and counties".

AMENDMENT No. 5.

On page 7, Section 16, line 8, after the word "counties" insert the words "or cities and counties".

AMENDMENT No. 6.

Page 7, Section 16, line 10, after the word "county" insert the words "or city and county".

AMENDMENT No. 7.

Page 7, Section 16, line 11, after the word "county" insert the words "or city and county".

AMENDMENT No. 8.

Page 7, Section 16, line 17, after the word "county" insert the words "or city and county".

AMENDMENT No. 9.

Page 7, Section 16, line 23, after the word "county" insert the words "or city and county".

AMENDMENT No. 10.

Page 7, Section 16, line 24, after the word "county" insert the following: "or city and county,".

AMENDMENT No. 11.

Page 7, Section 16, line 27, after the word "county" insert the following: "or city and county,".

AMENDMENT No 12.

Page 7, Section 16, line 31, after the word "county" insert the words "or city and county".

AMENDMENT No. 13.

Page 7, Section 16, line 32, after the word "county" insert the words "or city and county".

AMENDMENT No. 14.

Page 7, Section 16, line 33, after the word "county" insert the words "or city and county".

AMENDMENT No. 15.

Page 7, Section 16, line 36, after the word "county" insert the words "or city and county".

AMENDMENT No. 16.

Page 7, Section 16, line 38, after the word "county" insert the words "or city and county".

AMENDMENT No. 17.

Page 7, Section 16, line 40, after the word "county" insert the words "or city and county".

AMENDMENT No. 18.

Page 8, Section 16, line 43, after the word "county" insert the words "or city and county".

AMENDMENT No. 19.

Page 8, Section 16, line 44, after the word "county" insert the words "or city and county".

AMENDMENT No. 20.

Page 8, Section 16, line 46, after the word "thereof" and the "period (.)" add the following: "In counties of the second class the sealer shall receive as compensation the sum of twenty-four hundred dollars per year and shall be allowed four deputies, who shall receive as compensation the sum of eighteen hundred dollars per annum, each payable in the same manner as the salaries of other county officers are paid".

AMENDMENT No. 21.

Page 8, Section 17, lines 1 and 2, strike out after the word "body", on line 1, the words "of any county or city and county or".

AMENDMENT No. 22.

Page 8, Section 17, strike out the word "such", line 5, and all of lines 6, 7 and 8.

AMENDMENT No. 23.

Page 8, Section 17, commencing on line 13 after the word "sealer," strike out the remainder of Section 17.

AMENDMENT No. 24.

Page 10, strike out all of Sections 24 and 25, and renumber all the succeeding sections up to and including Section 41 to conform with these eliminations.

AMENDMENT No. 25.

Page 12, Section 28, add at end of line 32 the following: "no penalty shall be imposed for use of an untested scale, weight, beam, or measure after written request for such test and until same has been actually made."

AMENDMENT No. 26.

Page 12, Section 29, line 6, after the word "kept", strike out "for the purpose of sale, sold," and insert in lieu thereof the words "for use,".

AMENDMENT No. 27.

Page 16, after Section 41 insert a new section to read as follows:

"SEC. 42. The provisions of this Act shall not apply to the use of scales, weights, beams, or measurements for the weighing or measuring of commodities raised or

produced on the premises where sold, and sold only in retail lots except that the wilful use of short weights and false scales and measures shall always be unlawful."

AMENDMENT No. 28.

Renumber remaining Sections 42 and 43 so as to read 43 and 44, respectively.

AMENDMENT No. 29.

Page 16, Section 42, line 2, strike out the word "twelve" and insert in lieu thereof the word "eleven".

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beatty, Benedict, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Hinshaw, Joel, Kennedy, Lyon of Los Angeles, March, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, Walsh, and Young—31.

NOES—Messrs. Beckett, Bennink, Bliss, Bohnett, Brown, Chandler, Clark, Cronin, Crosby, Flint, Freeman, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Polsely, Preisker, Randall, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—45.

Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In Section 1, strike out all of lines 5, 6, and 7 and insert in lieu thereof the following: "whose duties shall be the administration and enforcement of this Act".

AMENDMENT No. 2.

In lines 5 and 6 of Section 2, strike out the words "thirty-six hundred" and insert in lieu thereof the following: "three thousand."

AMENDMENT No. 3.

Strike out all of Section 3 and insert in lieu thereof the following:

"SEC. 3. The state superintendent may appoint such deputies as he may deem advisable, not to exceed five, subject to the approval of the Governor, who shall have the same power as the state superintendent. Such deputies shall have a salary of fifteen hundred dollars per annum, to be paid in the same manner and at the same time as the salaries of state officers. They shall be at all times subject to removal at the pleasure of the state superintendent or of the Governor."

AMENDMENT No. 4.

In line 2, Section 4, strike out the word "traveling" and insert in lieu thereof the word "transportation".

AMENDMENT No. 5.

Strike out all of Sections 7 to 32, inclusive, and insert in lieu thereof the following:

"SEC. 7. The Superintendent of Weights and Measures shall make or cause to be made examinations of weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures at such times and places and to such extent as said Superintendent of Weights and Measures may determine, for the purpose of investigating and ascertaining if any mechanical devices above enumerated are false or incorrect.

SEC. 8. It shall be the duty of the Superintendent of Weights and Measures whenever he has satisfactory evidence of the violation of this Act, respecting the fraudulent use of weights, scales, beams, measures of every kind, instrument or mechanical devices for weighing, or measurement, and tools, appliances and accessories connected with any or all such instruments or measures to report such fact to the district attorney of the county where the law is violated.

SEC. 9. It shall be the duty of the district attorney to prosecute all violations of the provisions of this Act occurring in his county.

SEC. 10. Any person who, by himself, or his employee or agent, or as the employee or agent of another, shall use in the buying or selling of any commodity, a false weight or measure or weighing or measuring instrument, or use any weight or measure

or weighing or measuring instrument in any county, city, town, or city and county, or any person who by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to or calculated to falsify any weight or measure, and any person, who by himself or his employee, or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than he represents it to be shall be guilty of a misdemeanor."

AMENDMENT No. 6.

Strike out all of Section 33 and insert in lieu thereof the following:

"SEC. 11. The state superintendent or his deputies, in the performance of their official duties, shall have the same powers as are possessed by peace officers of this State."

AMENDMENT No. 7.

Strike out all of Sections 34, 35, 36, and 37 and insert in lieu thereof:

"SEC. 12. Any person who shall hinder or obstruct in any way the state superintendent or his deputies in the performance of their official duties or shall neglect or refuse to exhibit any weights, measures, or weighing or measuring instrument of any kind, or appliances or accessories connected with any or all such measures or instruments which are in his possession or under his control to the state superintendent or his deputies for the purpose of allowing the same to be inspected and examined as in this Act provided, shall be guilty of a misdemeanor.

SEC. 13. Upon the application of any person, persons, company or corporation, the Superintendent of Weights and Measures shall detail a deputy, who shall proceed to the place or places of business of the above named person, persons, company or corporation with the necessary standards of weights and measures and shall examine and test the weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances, and accessories connected with any or all such instruments and measures, and such as he finds correct he shall give his certificate to the owner thereof stating that the same were correct at time of examination, and shall also place a seal upon such article showing same correct at date of inspection. All expenses of said examination shall be borne by the State, except that the parties asking such examination shall pay the expenses of the transportation of the standards to and from the places of examination."

AMENDMENT No. 8.

In line 1, Section 38, after the word "Sec." strike out the figures "38" and insert in lieu thereof "14."

AMENDMENT No. 9.

Strike out all of Sections 39, 40, 41, 42, 43 and insert in lieu thereof the following:

"SEC. 15. There is hereby appropriated out of the General Fund of the State the sum of eleven thousand ($11,000) dollars for carrying into effect the provisions of this Act, and for the purchase of all necessary standards of weights and measures, necessary for the carrying out of this Act.

SEC. 16. This Act shall not affect the appointment or the duties of any sealer of weights and measures heretofore appointed, or who may hereafter be appointed, for any city or town acting under a freeholders' charter."

AMENDMENT No. 10.

Amend the title of Senate Bill No. 2 so as to read as follows:

"An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection thereof; to provide penalties for the violation of the provisions of this Act, providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputies, defining the powers and duties of such officer; and making an appropriation to carry this Act into effect."

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Farwell, Flint, Freeman, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—Messrs. Beatty, Callaghan, Coghlan, Cunningham, Feeley, Fitzgerald, Lyon of Los Angeles, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, and Smith—16.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 2, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 7—An Act making an appropriation for the purpose of carrying out the provisions of the California Railroad Commission Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 20, 24, and 30.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos 20, 24, and 30 considered.

Mr. Cogswell moved that the committee do now rise, and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 20, 24, and 30, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Bill read second time, and ordered on file for third reading.

Senate Bill No 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation'," approved April 26, 1911.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 30—An Act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood water for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensa-

tion; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the power and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8th, 1911.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 13 of the title of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 1, line 3 of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Amendment adopted.

AMENDMENT No. 3.

On page 7, Section 12, line 7 of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Amendment adopted.

AMENDMENT No. 4

On page 8, Section 13, line 10 of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Amendment adopted.

AMENDMENT No. 5.

On page 8, Section 15, line 11 of the printed bill, strike out the word "fifty" and insert in lieu thereof the word "forty".

Amendment adopted.

AMENDMENT No. 6.

Page 4 of the printed bill, strike out all of Section 2, and insert in lieu thereof the following:

"SEC. 2. Subject to vested and existing rights, the appropriation of water or of the use of water for the generation of electricity or of electrical or other power shall be made as provided by this Act, and not otherwise; *provided, however,* that nothing in this Act shall be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State."

Amendment adopted.

AMENDMENT No. 6*a*.

Page 15 of the printed bill, strike out all of Sections 33 and 34, and insert in lieu thereof the following:

"SEC. 33. This Act shall take effect ninety days after the final adjournment of this session of the Legislature."

Amendment adopted.

AMENDMENT No. 7.

On page 11, Section 24, line 8 of the printed bill, insert before the word "as" the following: "etc.,".

Amendment adopted.

AMENDMENT No. 8.

On page 3, strike out the period after the "1911" at the end of the title of the printed bill, and insert in lieu thereof the following: ", and all Acts and parts of Acts in conflict with this Act."

Amendment adopted.

AMENDMENT No. 9.

On page 11, Section 24, line 12 of the printed bill, strike out the word "commissioners" and insert in lieu thereof the word "commission".

Amendment adopted.

AMENDMENT No. 10.

On page 11, Section 26, line 7 of the printed bill, insert after the comma the following: "the number of kilowatt hours of electricity or electrical or other power generated during each month of said year,".

Amendment adopted.

AMENDMENT No. 11.

On page 13, Section 30, line 15 of the printed bill, insert after the word "power" the following: ", and all irrigation districts and lighting districts desiring to appropriate water for the generation of electricity, electrical or other power".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 4—Relative to the election of President and Vice-President of the United States by a direct popular and nation-wide vote—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

FREEMAN, Chairman.

Senate joint resolution ordered on file for consideration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 6—Relative to a canal constructed from the San Joaquin River, near Pollasky, in Fresno County, to a point in San Joaquin County near Stockton—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

FREEMAN, Chairman.

Senate joint resolution ordered on file for consideration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 14—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

Senate joint resolution ordered on file for consideration.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 72 with Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district, and, also, to provide for the

distribution of water for irrigation purposes," approved March 31, 1897—and report that the same are identical.

RANDALL, Chairman.

SECOND READING OF SENATE BILL.

Mr. Griffin asked for, and was granted, unanimous consent to have Senate Bill No. 54 taken up for second reading.

Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered on file for third reading.

ADJOURNMENT.

At five o'clock and twenty-five minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until eleven o'clock A. M. of Friday, December 22, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, December 22, 1911.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—77.

Quorum present.

LEAVES OF ABSENCE.

On motion, Messrs. Bishop, Lynch, and Walker were granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Walsh.

PETITION.

The following petition was presented and ordered printed in the Journal:

SAN FRANCISCO CHAMBER OF COMMERCE.

Resolution unanimously adopted by the Board of Directors of the San Francisco Chamber of Commerce at a meeting held December 15, 1911.

WHEREAS, The Sacramento Valley and the adjacent San Joaquin Valley have suffered from disastrous flood in recent years; and

WHEREAS, The great wealth destroyed by floods in these rich and fertile valleys has been not only a loss to the people in the immediate community, but a loss to the people of the State at large and even to the people of the nation, and

WHEREAS, The solution of this flood problem for many years has been a matter not only of keenest interest, but a subject of careful study by competent and experienced engineers, and

WHEREAS, The California Débris Commission, composed of United States engineers, in their report under date of August 10, 1910, submitted to the Speaker of the House of Representatives with the endorsement of the Chief of Engineers and the Secretary of War and known as House Document No. 81, 62d Congress, 1st Session, provide a comprehensive plan for the control of the floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley; therefore, be it

Resolved, That it is the sense of this meeting that the San Francisco Chamber of Commerce does hereby endorse the report of the California Débris Commission of 1910 and does urge upon other chambers of commerce in the State of California to do likewise; and be it further

Resolved, That we urge upon every member of our California delegation in Congress to stand together, shoulder to shoulder, and cooperate in asking of Congress the adoption of the report of the California Débris Commission for 1910 and a liberal appropriation at this present session, with the provision that the State of California also fulfill its obligation as provided for in the Caminetti Act creating the California Débris Commission; be it further

Resolved, That the San Francisco Chamber of Commerce does earnestly urge upon the members of the California State Legislature the necessity of adopting at this present session the report of the California Débris Commission for 1910, and that we request other chambers of commerce in the State to do likewise.

Resolved, further, That a copy of this resolution be sent to every member of our California delegation in the National Congress, to the Governor of this State, to Senator A. E. Boynton, President pro tem. of the State Senate, and to Speaker A. H. Hewitt of the Assembly.

M. H. ROBBINS, JR.,
President, San Francisco Chamber of Commerce.

Attest: L. M. KING, Secretary, Board of Directors.

SPECIAL ORDER.

The time for the consideration of special orders having arrived, the special order heretofore set for this time was taken up for consideration.

Senate Concurrent Resolution No. 2—Relative to joint rules

The question being on the adoption of the following committee amendment:

Strike out all of Rule 13, including the title, and insert in lieu thereof the following:

Committee on Free Conference.

13. If at least four members of said Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference, to consist of six members appointed in the same manner as the Committee on Conference. The Committee on Conference and the Committee on Free Conference shall each have power to embody in its report any amendment or amendments which a majority of the committee shall approve and recommend for adoption, and any such proposed amendment shall be attached to the bill. The final report of either of said committees need not be signed by all its members, but any four of said members may submit such report. The report of neither the Committee on Conference nor the Committee on Free Conference shall be subject to amendment in either house, and unless at least four members of the Committee on Free Conference unite in the submission of a report, no further action shall be taken with respect to the bill then under consideration. No member of the Conference Committee shall be appointed as a member of the Free Conference Committee.

SUBSTITUTE OFFERED.

The following was offered by Mr. Brown, as a substitute for the committee amendment:

Strike out the following paragraph:

The report of the Committee on Free Conference shall not be subject to amendment in either house, and unless at least four members of the Committee on Free Conference unite in the submission of a report no further action shall be taken with respect to the bill then under consideration," and insert in lieu thereof the following:

"The report of the Committee on Free Conference shall not be subject to amendment in either house; but the conferees may be discharged and other conferees appointed, or the report may be recommitted to the same conferees."

Roll call regularly demanded.

The roll was called, and substitute lost by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Butler, Cattell, Chandler, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Jones, Judson, Maher, March, Mendenhall, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, and Wyllie—30.

NOES—Messrs. Beatty, Benedict, Bohnett, Callaghan, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Guill, Held, Hinkle, Hinshaw, Jasper, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Smith, Sutherland, Walsh, Williams, Young, and Mr. Speaker—44.

The question reverting to the original amendment.

The roll was called, and amendment adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Guill, Harlan, Hayes, Hinkle, Hinshaw, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Smith, Sutherland, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—Messrs. Beckett, Brown, Griffiths, Hall, Hamilton, Held, Jasper, Judson, Maher, Malone, Mendenhall, Rosendale, Rutherford, Stevenot, and Stuckenbruck—15.

The question being on the adoption of Senate Concurrent Resolution No. 2, as amended.

A vote was taken, Senate Concurrent Resolution No. 2 adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 2.

Resolved by the Senate, the Assembly concurring, That the following be and are hereby adopted as the Joint Rules of the Senate and Assembly of the Legislature of the State of California for this special session of said Legislature.

JOINT RULES OF SENATE AND ASSEMBLY.

Joint Address to Governor.

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each house.

Bill or Resolution in One House, Rejected in the Other, Requires Notice.

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Each House to Transmit Papers.

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and Concurrent Resolutions.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

Joint Resolutions Treated as Bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

Amendments to Amended Bills Must Be Attached.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Bills Read and Referred to Committee.

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

After a Bill Has Been Passed by the Senate or Assembly.

8. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule, provided that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

To Concur or Refuse to Concur in Amendments.

9. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Asesmbly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

When Amendments Are Concurred in.

10. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

When Senate or Assembly Refuses to Concur.

11. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

Committee on Conference.

12. In every case of an amendment of a bill agreed to in one house and disssented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

Committee on Free Conference.

13. If at least four members of said Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference, to consist of six members appointed in the same manner as the Committee on Conference The Committee on Conference and the Committee on Free Conference shall each have power to embody in its report any amendment or amendments which a majority of the committee shall approve and recommend for adoption, and any such proposed amendment shall be attached to the bill. The final report of either of said committees need not be signed by all its members, but any four of said members may submit such report. The report of neither the Committee on Conference nor the Committee on Free Conference shall be subject to amendment in either house, and unless at least four members of the Committee on Free Conference unite in the submission of a report, no further action shall be taken with respect to the bill then under consideration. No member of the Conference Committee shall be appointed as a member of the Free Conference Committee.

When Conference Committee Report Is in Order

14 The presentation of report of Committee on Conference, or Free Conference shall always be in order, except when the Journal is being read or a question of order

or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call, and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages Must Be Announced by the Assistant Sergeant-at-Arms.

15. When a message shall be sent from either house it shall be announced at the door by the Sergeant-at-Arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

Secretary, Clerk, Etc., to Carry Messages.

16 Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

Notice to be on Paper, Under Proper Signatures.

17. Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

Enrolled Bills to Receive Signature of Proper Officer

18. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Engrossing and Enrolling Clerk and Engrossing and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the house in which it emanated, before it shall be presented to the Governor of the State.

Enrolling Committee to Compare.

19. When bills are enrolled they shall be reexamined by the Engrossing and Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined

President and Speaker to Sign Bills.

20. After the examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

Enrolling Committee to Present Bills to Governor.

21. After a bill shall have been thus signed in each house, it shall be presented by the Engrossing and Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first endorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

Daily History of Bills, Etc.

22. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used

Secretary and Clerk to Keep Register.

23. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and Clerk Shall Endorse Bills.

24. The Secretary of the Senate and Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

Adjournment Sine Die.

25. An adjournment *sine die* shall be made only by concurrent resolution.

Dispensing With Joint Rules.

26 No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts of the Assembly, to whom was referred the following resolution:

Resolved, That there shall hereby be appropriated out of the Contingent Fund of the Assembly the sum of five hundred dollars ($500.00), or so much thereof as may be needed, for the purpose of purchasing boxes, packing, marking and expressing all papers and documents belonging to the Assemblymen to their place of residence at the close of this extra session. The Sergeant-at-Arms for the Assembly shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-atArms of the Assembly for the amount necessary and expended, and the Treasurer is directed to pay the same.

Have had the same under consideration, and report it back with recommendation that it be adopted, as amended, as follows:

Strike out the words "five hundred ($500.00)" and insert in lieu thereof "two hundred ($200.00)".

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and amendment.

Motion carried.

Mr. Stevenot moved the adoption of the resolution as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Brown, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Wyllie, and Mr. Speaker—54.

NOES—None.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 1—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities, their officers, define its powers and duties and the rights, remedies, of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "Railroad Commission Fund" and appropriating the moneys therein to carry out the provisions of this Act, and repealing the Railroad Commission Act, approved February 10, 1911, and also repealing an Act entitled "An Act to amend the Railroad Commission Act by amending section fifteen thereof relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers," approved April 6, 1911, and all Acts and parts of Acts inconsistent with the provisions of this Act.

Also: Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education, free textbooks, and minimum use of such text-books.

Also: Assembly Concurrent Resolution No. 4—Relative to the printing on stationery of state offices, an invitation on behalf of the State of California to participate in the Panama-Pacific International Exposition.

Also: Assembly Bill No. 39—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by adding a new section thereto to be numbered 28¾, and providing for the recall of elective officers of irrigation districts.

Also: Assembly Bill No. 15—An Act to amend Section 1855*a* of the Code of Civil Procedure, relative to the introduction of abstracts of title in evidence.

Also: Assembly Bill No. 48—An Act to amend Section 1151 of the Political Code of the State of California, relating to board of elections for special election precincts—poll lists.

Also Assembly Bill No. 49—An Act to amend Sections 1142 and 1204 of the Political Code of the State of California, relating to boards of election and manner of voting.

Also Assembly Bill No. 50—An Act to repeal Section 1202 of the Political Code of the State of California, relating to ballot clerks—additional election officers.

And were presented to the Governor December 22, 1911, at eleven o'clock and thirty minutes A. M.

RANDALL, Chairman.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 32—An Act to amend Section 1094 of the Political Code of the State of California, relating to the registration of voters.

Also to Senate Bill No 42—An Act to amend Section 4017 of the Political Code, with reference to the consolidation of county offices.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 21, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on December 20, 1911, passed Senate Bill No. 46—An Act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 46 read first time, and referred to Committee on Irrigation and Drainage.

RESOLUTION.

The following resolution was offered:

By Mr. Nolan:

Resolved, That there is hereby appropriated out of the Contingent Fund of the Assembly the sum of fourteen ($14 00) dollars to pay the claim of J. H. Zemansky, as deputy registrar of San Francisco, for services rendered by said J. H. Zemansky to the Apportionment Committee of the Assembly, and the Controller is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Assembly to pay said claim, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

WITHDRAWAL OF BILLS.

With consent of authors, Assembly Bills Nos. 22, 23, and 54 and Assembly Joint Resolution No. 2 were withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS.

Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, incorporated city or town in this State the question whether such city and county, or incorporated city or town shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the voters of any such city and county or incorporated city or town shall have voted to retain such powers or to reinvest such city and county or incorporated city or town, with such powers, in case the voters thereof have voted to surrender such powers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 44 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, and Mr. Speaker—54.

NOES—Messrs. Brown, Held, and Polsley—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 16—An Act to amend section eleven hundred and six of the Political Code of the State of California, relating to cancellation of names entered in the great register.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 16 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 30—An Act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State Engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Kennedy, Lamb, Lyon of San Francisco, McDonald, McGowen, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or elec-

trical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period that forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood water for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the

right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the power and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8th, 1911.

During the third reading of the bill, Mr. Clark moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4, Section 2, line 1 of the printed bill, insert after the comma the following: "in so far as such vested and existing rights are based upon actual needs and application to useful or beneficial purposes,".

Motion carried.

The Speaker appointed Mr. Clark as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 48, with instructions, do now report that the instructions of the Assembly have been carried out.

CLARK, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 37—An Act to amend Section 3494 of the Political Code of the State of California, relating to the sale of school lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kennedy, Lamb, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Walsh, Wyllie, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 20—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of public schools, and internal improvements, authorizing the conveyance of land by officers of the State for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—52.

NOES—Messrs. Beatty, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Griffin of Modesto, McDonald, Mendenhall, Mullally, Nolan, Polsley, Rimlinger, Ryan, Sbragia, Schmitt, and Walsh—18.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this Act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kennedy, Lamb, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 3—Relative to the teaching of patriotism in the public schools of California.

The question being on the adoption of the concurrent resolution.

A vote was taken, and Senate Concurrent Resolution No. 3 adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 3,

Relative to the teaching of patriotism in the public schools of California

WHEREAS, At a recent meeting of the Sacramento County Teachers' Institute, held in the capital city of California, a statement was made in a public address by an ex-superintendent of the county schools of Santa Barbara County to the effect that Great Britain had not performed one tyrannical act to provoke the Revolutionary War, that the Boston massacre was not the slaughter it was supposed to be; that the Stamp Acts were justified and the Colonists' refusal to pay them actuated solely by a desire to evade a just proportion of their expenses in this country; and that the Boston Tea Party consisted of irresponsible colonists bent on malicious mischief, and, operating under the guise of patriotism, wrongfully and maliciously destroyed the property of others; and

WHEREAS, It would appear this doctrine is taught in some of the high schools of this State and is said to be taught at the University of the State of California; and

WHEREAS, Such teachings practically declare that this Government was erected upon a foundation of wrong and error, that the Declaration of Independence states those things which are not true, and that that immortal document is therefore a farce, a fraud and a delusion; and that this Government "of the people, for the people, and by the people," in its elementary construction, was based upon false and fraudulent pretenses; and

WHEREAS, Such teachings of disloyalty, if permitted to take root in this country, would inevitably create a race of citizens lacking in that stern and unyielding patriotism without which no country can long endure; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That these utterances are false and untrue, that they are in every sense in manifest contradiction to the true history of the birth of our country, and subversive of the very foundation principles of our Government,

Resolved, That it is the sense of the members of this Legislature that if there be histories included in the curricula of public institutions of the State of California which put forth such grossly false and disloyal ideas, such histories should be eliminated from the schools of the State in every such institution; and in every place there should be substituted not only truthful narratives of the origin of this Government and of the episodes leading thereto; but narratives at the same time tending to sow in the hearts and in the souls of the boys and girls of this State that burning devotion to country which these disloyal histories would minimize, if they do not smother;

Resolved, That it is the sense of the members of this Legislature that if there be teachers employed in the school department of California, from the kindergartens to and including the State University, who have taught such false, disloyal and iniquitous doctrines, each and every one of them should be weeded forever out of any position as instructor in the schools of this State;

Resolved, That his Excellency, Honorable Hiram W. Johnson, Governor of the State of California, be, and he is hereby, respectfully requested to inaugurate at his earliest convenience an investigation into such matter, and be it further

Resolved, That, if he finds that statements of the character referred to above are contained in the histories used in the public educational institutions in California, he is hereby requested to take such steps as he may deem requisite to proscribe such histories and interdict their use in such institutions; and that, if he finds that any teachers in the public educational institutons of California, from the kindergartens up to and including the State University, are teaching such false and disloyal and iniquitous doctrines—or encouraging such doctrines to be taught—he is also respectfully requested to take such measures as he may deem requisite to weed forever such traitors out of the school system of California.

RECESS.

At twelve o'clock and thirty minutes P. M. the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS, ETC.

Senate Joint Resolution No. 7—Relative to establishment of dry docks at Hunter's Point in the bay of San Francisco.

The question being on the adoption of the joint resolution.

A vote was taken, joint resolution adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 7.

Relative to establishment of dry docks on the bay of San Francisco or waters tributary thereto.

WHEREAS, By virtue of the increasing demands for deeper draught vessels in the United States navy, and in view of the early completion of the Panama Canal, certain to be followed by the maintenance on the Pacific coast of a large fleet, it is necessary for the United States to provide dry dock and other facilities that will meet the necessities of the new additions to our navy, when in the western waters of the republic;

Resolved, That the Federal Government be and is hereby most respectfully and earnestly requested to establish one of the proposed great naval dry docks on the bay of San Francisco or waters tributary thereto, be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use their utmost efforts in securing the establishment and equipment of such great naval dry docks on the bay of San Francisco or waters tributary thereto; be it further

Resolved, That a duly certified copy of these resolutions be transmitted to the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Senate Joint Resolution No. 4—Relative to the election of the President and Vice-President of the United States by a direct popular and nation-wide vote.

During the consideration of joint resolution the following amendment was submitted by the committee:

On page 1, of the printed resolution, strike out lines 1, 2, 3, 4, 5, 6, 7, and 8, and insert in lieu thereof the following

WHEREAS, There is a movement for the adoption of an amendment to the Constitution of the United States which will provide for the election of President and Vice-President of the United States by direct vote of the people; therefore, be it

Resolved, That the Legislature of the State of California favor the adoption of the amendment to the Constitution of the United States which will provide for the election of such President and Vice-President by a direct vote of the people.

Amendment adopted.

Senate joint resolution ordered to reprint, and on file for consideration.

Senate Joint Resolution No. 14—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

The question being on the adoption of the joint resolution.

A vote was taken, joint resolution adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 14.

Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months

WHEREAS There are situated within the State of California great national forests comprising in area over twenty-seven million acres; and

WHEREAS, The protection and preservation of these forests is of great benefit to the citizens of this State and of the whole United States; and

WHEREAS, Each year during the months of July, August, and September, forest fires threaten partial or total destruction of these forests as well as other and adjoining property; and

WHEREAS, These forests are not sufficiently protected from fire during such months; now, therefore, be it

Resolved by the Senate of the State of California, and the Assembly, jointly, That the War Department of the United States be, and it hereby is, requested to station Federal troops in the national forests within the State of California during the months of July, August, and September each year for the purpose of preventing and fighting forest fires and protecting such national forests; and be it further

Resolved, That our Senators and Representatives in Congress be respectfully urged to use all honorable means to accomplish the above for the good of the State; and be it further

Resolved, That a copy of this joint resolution be sent to the head of the War Department of the United States.

Senate Joint Resolution No. 6—Relative to a canal constructed from the San Joaquin River near Pollasky, in Fresno County, to a point in San Joaquin County near Stockton.

During the consideration of the joint resolution, the following amendment was submitted by the committee:

On page 1, Section 1, line 1, strike out all the words after the word "whereas" of said resolution and insert in lieu thereof the following:

"There is in the San Joaquin Valley in California a large tract of irrigable arid land, consisting of more than one million acres, all of which is good, rich, level, arid land, and the same would consume all the flood waters that annually come down from the Sierra Nevada mountains through the San Joaquin and Fresno rivers, and if said waters were conserved and distributed over said lands, the same would yield bountiful crops and would add great wealth to the State of California, and

WHEREAS, All of said waters could be conserved and distributed over said lands by means of canals constructed for the distribution of same; and

WHEREAS, If said waters were so conserved and distributed by means of said canals, a large return therefrom by annual rentals for the use of said waters would result in ample returns to the Government upon the moneys thus expended, and at the same time would lessen the cost of maintaining the levees and embankments along the lower San Joaquin River, and thereby minimize the danger to and loss of property occasioned by the rise and overflow of said San Joaquin River; and

WHEREAS, Reservoirs and canals of sufficient capacity to conserve and carry all of said waters can be constructed by the Federal Government, but the cost of which would be too great for private enterprise or state undertaking; therefore, be it

Resolved by the Senate and Assembly, jointly, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure the passage of a law in Congress by which the Government of the United States will cause a proper survey of such proposed restraining dams and canals to be made, and to thereafter with all reasonable dispatch construct dams and canals and to sell and dispose of upon such terms as may be prescribed by the department in charge thereof, the said waters for use of all the lands susceptible of being irrigated from said storage reservoirs, be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to each of our Senators and Representatives in Congress."

Amendment adopted.

Joint resolution ordered to reprint, and on file for consideration.

Senate Bill No. 24—An Act to amend section one of an Act entitled "An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled 'An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation'," approved April 26, 1911.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 24 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wyllie, and Mr. Speaker—62.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 12—Relative to arbitration peace treaties now pending before the Senate of the United States.

The question being on the adoption of the joint resolution.

A vote was taken, joint resolution adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 12,

Relative to arbitration peace treaties now pending before the Senate of the United States.

WHEREAS, The President of the United States has negotiated treaties with the United Kingdom of Great Britain and Ireland and with the republic of France, each having for its object the arbitration of international differences arising between the contracting parties; and

WHEREAS, The horror and futility of war have been demonstrated through ages of cruelty and bloodshed; and

WHEREAS, The advanced nations of the world are moving to abolish this relic of barbarism and escape the heavy burdens of armament; now, therefore, be it

Resolved by the Senate and Assembly of California, jointly, That the Senate of the United States be and it is hereby requested and urged promptly to ratify the said treaties with said high contracting parties, thus signalizing the desire of our people for peace and blazing a pathway to general disarmament and universal arbitration of international differences, and be it further

Resolved, That the Secretary of the Senate forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Senate Bill No. 54—An Act to amend section thirty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such district, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wyllie, and Mr. Speaker—63.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 6—Relative to California Redwood Park—have had the same under consideration, and respectfully report the same back, and recommend it be adopted.

FREEMAN, Chairman.

The above resolution read, and, on motion, adopted, and ordered transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION NO. 6.

Relative to California Redwood Park.

WHEREAS, In the year 1902, in the interest of the California Redwood Park, the Government of the United States withdrew certain government lands contiguous to said park in San Mateo and Santa Cruz counties;

WHEREAS, The present Secretary of the Interior has requested to know why these said withdrawn lands should not be restored as the part of a public domain, subject to public entry;

WHEREAS, The nature-loving people of the State of California, in convention assembled, deem it of the highest importance to and in the best interests of the said California Redwood Park that these said withdrawn lands should now become a part and portion of said park;

Resolved by the Assembly and Senate, jointly, That our Senators and Representatives in Congress be, and each of them is, requested to do all in his power to get an Act passed through Congress at the present session, granting said lands to the State of California, to be added to the California Redwood Park;

Resolved, That the Governor of California be and is hereby requested to transmit a certified copy of these resolutions to the President and the Speaker, respectively, of the Senate and House of Representatives of the Congress of the United States, and to each of our Senators and Representatives in Congress.

RESOLUTION.

The following resolution was offered:

By Committee on Judiciary:

WHEREAS, By resolution of this Assembly in the matter of A. H. Carpenter against N. P. Chipman, Albert G. Burnett and Elijah C. Hart, as Judges of the District Court of Appeal of the State of California in and for the Third Appellate District, authority was given to Judiciary Committee of this Assembly or a sub-committee thereof, and to employ such help and other assistance as might be necessary on the hearing of said matter; and,

WHEREAS, The said committee found it necessary on said hearing to secure the services of a stenographer to write down the testimony offered and secured for that purpose the services of Joseph E. Pipher, and,

WHEREAS, Said Joseph E. Pipher, as such stenographer, has presented a bill for services rendered as follows:

December 14, 1911, per diem	$10 00
December 14, 1911, evening session	10 00
	$20 00

Now, therefore, the undersigned chairman recommends and respectfully asks that the aforesaid account be referred to the said Committee on Contingent Expenses and Accounts.

KEHOE, Chairman.

Resolution read and referred to Committee on Contingent Expenses and Accounts.

SENATE MESSAGES—(RESUMED).

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 66—An Act to amend sections seventy-

eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—and the Senate respectfully requests your honorable body to concur in its amendments to said Assembly Bill No 66.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 66?"

On page 1, amend the title by striking out the period after the word "districts," and insert as follows: ", and to repeal an Act entitled 'An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts,' approved March 11, 1891; and also to repeal an Act entitled 'An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein,' approved March 21, 1901, and all other Acts in conflict with this Act"

Also: After the enacting clause, strike out all of Sections 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section seventy-eight of the Political Code is hereby amended to read as follows:

78 The State is divided into forty senatorial districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Trinity and Tehama shall constitute the First Senatorial District.

2 The counties of Modoc, Siskiyou, Shasta and Lassen shall constitute the Second Senatorial District.

3. The counties of Plumas, Sierra, Nevada, Placer and El Dorado shall constitute the Third Senatorial District.

4 The counties of Mendocino, Colusa, Lake and Glenn shall constitute the Fourth Senatorial District.

5 The counties of Napa and Solano shall constitute the Fifth Senatorial District

6. The counties of Butte, Yuba, Sutter and Yolo shall constitute the Sixth Senatorial District.

7. The county of Sacramento shall constitute the Seventh Senatorial District.

8 The county of Sonoma shall constitute the Eighth Senatorial District

9 The counties of Marin and Contra Costa shall constitute the Ninth Senatorial District

10 The counties of San Joaquin and Amador shall constitute the Tenth Senatorial District

11. The counties of San Mateo, San Benito and Santa Cruz shall constitute the Eleventh Senatorial District.

12 The counties of Tuolumne, Mariposa, Stanislaus, Merced, Alpine, Madera and Calaveras shall constitute the Twelfth Senatorial District.

13. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the line dividing Oakland and Brooklyn townships intersects the northeasterly boundary line of the county of Alameda; thence southwesterly along said dividing line to the northeasterly boundary line of the city of Piedmont; thence southeasterly and southerly following the northern and eastern boundary line of the city of Piedmont to the southeasterly corner thereof; thence southwesterly along Thirteenth avenue to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street, thence easterly along the center line of Lincoln or East Thirty-first street to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road; thence easterly along said old County Road to the center line of High street; thence easterly along the center line of the Foothill Road, or County Road No. 3358, to the center line of Grand or Ninetieth avenue; thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda Township to the westerly boundary line of Alameda County; thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara County; thence easterly along the

boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus and San Joaquin; thence northwesterly and northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin, thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning, shall constitute the Thirteenth Senatorial District.

14. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships; thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing Oakland and Brooklyn townships; thence northerly along the westerly boundary line of Brooklyn Township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along said last boundary line to the center of Thirteenth avenue; thence northeasterly along center line of Thirteenth avenue, or County Road to Moraga Valley, to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street, to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as old County Road; thence easterly along said old County Road to the center line of High street; thence along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue, thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B," or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships, thence southerly and westerly along the boundary line of Alameda Township to the westerly boundary line of Alameda County, thence northwesterly along the westerly boundary line to the southerly boundary line of Oakland Township and the point of beginning, shall constitute the Fourteenth Senatorial District.

15. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda, thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway, thence southerly along the center line of Broadway to the northern boundary line of Alameda Township; thence easterly along the northern boundary line of Alameda Township to the westerly line of Brooklyn Township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn Township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue, or County Road to Moraga Valley, to the southeastern corner of the city of Piedmont; thence northerly and westerly following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships; thence northeasterly along the last said township line to the boundary line of Alameda County; thence northwesterly along the county boundary line to the point of beginning, shall constitute the Fifteenth Senatorial District.

16. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northerly boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street, thence westerly along the center line of Eunice street to the center line of Milvia street, thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway, thence southerly along the center line of Broadway to the northern boundary line of Alameda Township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda, thence northerly along the said county boundary line

to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning, shall constitute the Sixteenth Senatorial District.

17. The counties of Kings, Monterey and San Luis Obispo shall constitute the Seventeenth Senatorial District.

18. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center line of the following named streets, to wit: Market to the waters of the bay of San Francisco, thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Eighteenth Senatorial District.

19. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets, continuing thence along the center line of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter street to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the bay of San Francisco; thence along the shore line of said bay northerly and westerly to the waters of the Pacific Ocean; thence along said shore line to Lobos Creek where the same enters into the Pacific Ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning, shall constitute the Nineteenth Senatorial District.

20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center line of the following named streets: Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of the San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence along said line of Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly and easterly to Lobos Creek; thence along the line of said creek and the southerly boundary of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Twentieth Senatorial District.

21. All that portion of the city and county of San Francisco constituting the Thirty-third and Thirty-fourth Assembly Districts, as designated and constituted by section ninety of this code, and the following described portion of the city and county of San Francisco, to wit: Commencing at the point of intersection of the center line of Bryant avenue with the center line of Twenty-first street; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant avenue, Bryant avenue to the point of beginning, shall constitute the Twenty-first Senatorial District.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing thence along the center line of the following named streets: Bryant avenue to Eleventh street, Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, the place of beginning, shall constitute the Twenty-second Senatorial District.

23. All that portion of the city and county of San Francisco consisting of the Twenty-ninth Assembly District, as designated and constituted by section ninety of this Code, and the following described portion of the city and county of San Francisco: Commencing at the point of intersection of the center line of Twentieth street with the center line of Connecticut street; thence along the center line of the following named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo, thence easterly along said boundary line to the shore line of the bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the

center line of Twentieth street to the point of beginning, shall constitute the Twenty-third Senatorial District.

24. All that portion of the city and county of San Francisco embraced within and comprising the Thirty-first and Thirty-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-fourth Senatorial District.

25. The counties of Ventura and Santa Barbara shall constitute the Twenty-fifth Senatorial District.

26. The county of Fresno shall constitute the Twenty-sixth Senatorial District.

27. All that portion of the county of Santa Clara not included in the Twenty-eighth Senatorial District, as designated and constituted by this section, shall constitute the Twenty-seventh Senatorial District.

28. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the Twenty-eighth Senatorial District.

29. All that portion of the county of Los Angeles embraced within and comprising the Sixty-fourth and Sixty-fifth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Twenty-ninth Senatorial District.

30. The counties of San Bernardino, Inyo and Mono shall constitute the Thirtieth Senatorial District.

31. All that portion of the county of Los Angeles embraced within and comprising the Seventy-first and Seventy-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-first Senatorial District.

32. The counties of Tulare and Kern shall constitute the Thirty-second Senatorial District.

33. All that portion of the county of Los Angeles embraced within and comprising the Sixty-eighth and Seventieth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-third Senatorial District.

34. All that portion of the county of Los Angeles embraced within and comprising the Fifty-ninth and Sixtieth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-fourth Senatorial District.

35. All that portion of the county of Los Angeles embraced within and comprising the Sixty-sixth and Sixty-ninth Assembly Districts, as designated by section ninety of this Code, shall constitute the Thirty-fifth Senatorial District.

36. All that portion of the county of Los Angeles embraced within and comprising the Fifty-eighth and Sixty-seventh Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-sixth Senatorial District.

37. All that portion of the county of Los Angeles embraced within and comprising the Sixty-first and Sixty-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-seventh Senatorial District.

38. All that portion of the county of Los Angeles embraced within and comprising the Sixty-third and Seventy-third Assembly Districts, as designated and constituted by section ninety of this code, shall constitute the Thirty-eighth Senatorial District.

39. The counties of Riverside, Orange and Imperial shall constitute the Thirty-ninth Senatorial District.

40. The county of San Diego shall constitute the Fortieth Senatorial District.

SEC. 2. Section ninety of the Political Code is hereby amended to read as follows:

90. The State is divided into eighty Assembly districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Siskiyou and Trinity shall constitute the First Assembly District.

2. The county of Humboldt shall constitute the Second Assembly District.

3. The counties of Lassen, Modoc and Shasta shall constitute the Third Assembly District.

4. The county of Mendocino shall constitute the Fourth Assembly District.

5. The counties of Tehama, Glenn and Colusa shall constitute the Fifth Assembly District.

6. The county of Butte shall constitute the Sixth Assembly District.

7. The counties of Nevada, Plumas and Sierra shall constitute the Seventh Assembly District.

8. The counties of Yuba, Sutter and Yolo shall constitute the Eighth Assembly District.

9. The counties of Lake and Napa shall constitute the Ninth Assembly District.

10. All that portion of the county of Sonoma comprising the townships of Analy, Bodega, Mendocino, Ocean, Petaluma, Redwood, Salt Point and Vallejo shall constitute the Tenth Assembly District.

11. All that portion of the county of Sonoma not included in the Tenth Assembly District, as designated and constituted by this section, shall constitute the Eleventh Assembly District.

12. The county of Solano shall constitute the Twelfth Assembly District

13. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying north of the center of "K" street, west of the center line of Thirty-first street, and all that portion of Sacramento County lying in the fourth supervisor district (as shown on the official map of 1911) with the exception of that portion of said supervisor district lying west of the lower Stockton road, shall constitute the Thirteenth Assembly District.

14. All that portion of the county of Sacramento not included in the Thirteenth Assembly District, as designated and constituted by this section, shall constitute the Fourteenth Assembly District.

15. The counties of Placer, El Dorado and Alpine shall constitute the Fifteenth Assembly District.

16. The counties of Amador, Calaveras, Mono and Tuolumne shall constitute the Sixteenth Assembly District.

17. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the Seventeenth Assembly District

18 All that portion of the county of San Joaquin, not included in the Seventeenth Assembly District, as designated and constituted by this section, shall constitute the Eighteenth Assembly District.

19. The county of Contra Costa shall constitute the Nineteenth Assembly District.

20. The county of Marin shall constitute the Twentieth Assembly District

21 All that portion of the county of Alameda lying easterly of a line described as follows: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda Township to the line dividing Brooklyn and Eden townships, thence easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland; thence northeasterly along the center line of Moss avenue and a direct extension of said center line to the northeasterly boundary line of the city of Oakland; thence following the said northeasterly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the Twenty-first Assembly District.

22. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of the county of Alameda; thence in an easterly and northerly direction along the boundary line of Alameda Township to the line dividing Brooklyn and Eden townships, thence in an easterly direction along the boundary line between Eden and Brooklyn townships to the southeasterly boundary line of the town of San Leandro; thence northerly and easterly following the said town line to the center line of East Fourteenth street; thence northwesterly following the center line of East Fourteenth street and an extension of the same to its intersection with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda Township; thence westerly following along the said northerly boundary line of Alameda Township to its intersection with the westerly boundary line of Alameda County; thence southeasterly along said county boundary line to the point of beginning, shall constitute the Twenty-second Assembly District.

23. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street, in the city of Oakland; thence northwesterly along the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn Township, in Lake Merritt; thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwesterly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue, and the point of beginning, shall constitute the Twenty-third Assembly District

24. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection

with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the easterly boundary of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first, or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal Creek; thence westerly down the center of Temescal Creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along the center of Broadway to the center of Thirteenth street, and point of beginning, shall constitute the Twenty-fourth Assembly District.

25. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street, in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships, thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning, shall constitute the Twenty-fifth Assembly District.

26. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street, in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal Creek; thence westerly down the center of Temescal Creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and a direct extension of the same to its intersection with the westerly boundary line of Alameda County; thence southerly along the westerly boundary line of Alameda County to its intersection with the line dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the center line of Twenty-second street, and the point of beginning, shall constitute the Twenty-sixth Assembly District.

27. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal Creek; thence up the center of Temescal Creek to the center of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center line of Codornices Creek; thence westerly down the center of Codornices Creek to the easterly boundary line of the town of Albany; thence northerly along the easterly line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southerly boundary line of the city of Berkeley to the point of beginning, shall constitute the Twenty-seventh Assembly District.

28. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first, or Vernon street, in the city of Oakland; thence easterly along the center line of Fifty-first, or Vernon street, to the center line of Broadway; thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of

Oakland, as the same existed prior to the annex of 1909, to its intersection with the northerly boundary line of the city of Piedmont, thence easterly following the northern boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships; thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda County, thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany, thence southerly along the easterly boundary line of the town of Albany to its intersection with the center line of Codornices Creek, thence easterly up the center of Codornices Creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first, or Vernon, street, and the point of beginning, shall constitute the Twenty-eighth Assembly District.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, shall constitute the Twenty-ninth Assembly District.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twentieth street with the center line of Bryant avenue: thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the bay of San Francisco; thence northerly along the shore line of the bay of San Francisco to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Thirtieth Assembly District.

31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; continuing thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning, shall constitute the Thirty-first Assembly District.

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; continuing thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific Ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning, shall constitute the Thirty-second Assembly District.

33 All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street; thence along the center line of the following named streets, to wit: Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning, shall constitute the Thirty-third Assembly District.

34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets; continuing thence along the center line of the following named streets: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of the San Miguel Rancho; thence along the line of said San Miguel Rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point in the easterly boundary line of the San Miguel Rancho opposite Seventeenth street; thence along said line southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett

avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, shall constitute the Thirty-fourth Assembly District.

35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Turk and Baker streets, continuing thence along the center of the following named streets Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly boundary line of San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street; thence westerly along Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho, thence along said line to the Sloat boulevard, Sloat boulevard to the intersection of the waters of the Pacific Ocean; thence along said shore line northerly to Fulton street, Fulton street to Masonic avenue, Masonic avenue to Turk street, Turk to Baker street, the place of beginning, shall constitute the Thirty-fifth Assembly District.

36. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Fulton street and Masonic avenue; thence continuing along the center of the following named streets: Masonic avenue to Turk street, Turk street to St. Joseph avenue, St. Joseph avenue to Geary street, Geary to Baker, Baker to California, California to Laurel, Laurel street to the southerly boundary line of the Presidio Reservation; thence along said boundary line westerly to Lobos Creek; thence along the line of said creek to where it empties into the waters of the Pacific Ocean, thence along the ocean shore line of Pacific Ocean westerly and southerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Thirty-sixth Assembly District.

37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Market street to Van Ness avenue, Van Ness avenue to Oak street, Oak street to Fillmore street, Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Eleventh street, Eleventh street to the point of beginning, shall constitute the Thirty-seventh Assembly District.

38. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Ellis street and Van Ness avenue: continuing thence along the center line of the following named streets: Van Ness avenue to Oak street, Oak to Baker, Baker to Turk, Turk street to St. Joseph avenue, St. Joseph avenue to Ellis street, Ellis street to Van Ness avenue, the place of beginning, shall constitute the Thirty-eighth Assembly District.

39. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Washington street and Van Ness avenue; continuing thence along the center line of the following named streets: Van Ness avenue to Ellis street, Ellis street to St. Joseph avenue, St. Joseph avenue to Geary street, Geary to Baker, Baker to Washington, Washington street and the extension of Washington street across Alta Plaza to Van Ness avenue, the place of beginning, shall constitute the Thirty-ninth Assembly District.

40. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Washington street and Van Ness avenue, continuing thence along the center line of the following named streets: Van Ness avenue to Green, Green to Hyde, Hyde to the waters of the bay of San Francisco; thence westerly and southerly along the shore line of the bay of San Francisco and the Pacific Ocean to the point where Lobos Creek empties into the waters of said ocean; thence along the line of Lobos Creek to the southerly boundary line of the Presidio Reservation: thence along said boundary line to Laurel street, Laurel to California, California to Baker, Baker to Washington, Washington street and the extension of Washington street across Alta Plaza to Van Ness avenue, the place of beginning, shall constitute the Fortieth Assembly District.

41. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market street and Van Ness avenue, continuing thence along the center line of the following named streets: Van Ness to Green, Green to Mason, Mason to Ellis, Ellis to Jones, Jones to Market, Market to Van Ness avenue, the place of beginning, shall constitute the Forty-first Assembly District.

42. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Jones streets, continuing thence along the center line of the following named streets: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Hyde, Hyde to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market to Jones, the place of beginning, together with all the waters of the bay of San Francisco, and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Forty-second Assembly District.

43. The county of San Mateo shall constitute the Forty-third Assembly District.

44. The county of Santa Cruz shall constitute the Forty-fourth Assembly District

45. All that portion of the county of Santa Clara, not included in the Forty-sixth Assembly District, as designated and constituted by this section, shall constitute the Forty-fifth Assembly District.

46. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred and ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the Forty-sixth Assembly District.

47. The county of Stanislaus shall constitute the Forty-seventh Assembly District.

48 The counties of Mariposa, Merced and Madera shall constitute the Forty-eighth Assembly District

49. The counties of San Benito and Monterey shall constitute the Forty-ninth Assembly District.

50. All that portion of the county of Fresno, which was on November 1, 1911, embraced within the boundaries of the Sixtieth Assembly District, shall constitute the Fiftieth Assembly District.

51. All that portion of the county of Fresno, which was on November 1, 1911, embraced within the boundaries of the Sixty-first Assembly District, shall constitute the Fifty-first Assembly District.

52 The county of Kings shall constitute the Fifty-second Assembly District.

53. The counties of Tulare and Inyo shall constitute the Fifty-third Assembly District

54. The county of San Luis Obispo shall constitute the Fifty-fourth Assembly District.

55. The county of Kern shall constitute the Fifty-fifth Assembly District.

56. The county of Santa Barbara shall constitute the Fifty-sixth Assembly District.

57 The county of Ventura shall constitute the Fifty-seventh Assembly District

58. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: La Liebre, Del Sur, Lancaster, Palmdale, Acton, Newhall, San Fernando, Chatsworth, Calabasas, Lankershim, La Cañada, Sunland, Burbank, Glendale City, Eagle Rock, Annandale, Hermon, that part of Ivanhoe and of Tropico numbers one and two not included within the city of Los Angeles, as the boundaries of said city existed November 1, 1911, Los Angeles City precincts numbers one, two, three, four, six, seven, eight and nine, that portion of Los Angeles City precincts numbers five, thirteen and fourteen lying westerly of the center line of Griffin avenue, and the prolongation of said center line of Griffin avenue to the north patent boundary line of the city of Los Angeles, and that part of Los Angeles City precinct number eleven lying west of the center line of Daly street, shall constitute the Fifty-eighth Assembly District.

59 All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Redondo Beach City numbers one and two, Hermosa Beach City, Wiseburn, Inglewood City, Freeman, Del Rey, Ocean Park City numbers one, two and three, Moneta, Howard, Ballona, Cienega, Santa Monica City numbers one, two, three, four, five, six, seven, eight and nine, Malibu, National Military Home numbers one, two, three, four, five and six, Sawtelle City numbers one, two and three, and Sherman, shall constitute the Fifty-ninth Assembly District.

60 All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Cahuenga, Hollywood City numbers one and two, those parts of Ivanhoe and of Tropico numbers one and two, which were annexed to the city of Los Angeles prior to November 1, 1911, and Los Angeles City precincts numbers twenty-six, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, one hundred fifty-eight, one hundred fifty-nine, one hundred sixty, one hundred sixty-one, one hundred sixty-two, one hundred sixty-three, one hundred sixty-four, one hundred sixty-five, one hundred sixty-six and one hundred sixty-seven, shall constitute the Sixtieth Assembly District.

61. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers twenty-eight, twenty-nine, thirty-seven, forty, forty-one, forty-two, forty-three, forty-five, forty-six, forty-seven, fifty, fifty-one, fifty-three, fifty-four, that part of Los Angeles City precincts numbers thirty-eight, thirty-nine and forty-four lying westerly of the center line of Hill street, that part of Los Angeles City precinct number forty-eight lying easterly of the center

line of Alvarado street, and that part of Los Angeles City precinct number fifty-five lying northerly of the center line of Fifth street from Fremont avenue to Boylston street, shall constitute the Sixty-first Assembly District.

62. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, one hundred twenty-one, one hundred twenty-two, one hundred twenty-three, one hundred twenty-nine, one hundred thirty-seven, one hundred thirty-eight, one hundred forty-one, one hundred forty-two, one hundred forty-five, one hundred fifty, one hundred fifty-two, that part of Los Angeles City precinct number forty-eight lying westerly of the center line of Alvarado street, and that part of Los Angeles City precinct number fifty-five lying south of the center line of Fifth street from Fremont avenue to Boylston street, shall constitute the Sixty-second Assembly District.

63. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers one hundred twenty-four, one hundred twenty-five, one hundred twenty-six, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, one hundred thirty-nine, one hundred forty, one hundred forty-three, one hundred forty-four, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, one hundred fifty-one, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five, one hundred fifty-six, that part of Los Angeles City precincts numbers one hundred thirty-six and one hundred fifty-seven lying north of the center line of Jefferson street, that part of Los Angeles City precinct number one hundred twenty-seven lying west of the center line of Maple avenue, that part of Los Angeles City precinct number one hundred twenty-eight lying west of the center line of Maple avenue and north of the center line of Jefferson street and that part of Los Angeles City precinct number one hundred seventy-seven, bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the Sixty-third Assembly District.

64. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, thirty-six, forty-nine, fifty-two, eighty-one, eighty-three, eighty-eight, eighty-nine, one hundred twelve, one hundred nineteen, one hundred twenty, that part of Los Angeles City precincts numbers thirty-eight, thirty-nine and forty-four lying easterly of the center line of Hill street, that part of Los Angeles City precinct number eighty-two lying north of the center line of Seventh street and west of the following described line, beginning at the intersection of the center line of First street with the center line of Pecan street, thence southerly along the center line of Pecan street to the center line of Fifth street; thence westerly along the center line of Fifth street to the center line of Gless street; thence southerly along the center line of Gless street to the center line of Sixth street; thence westerly along the center line of Sixth street to the center line of Clarence street (from the south); thence southerly along the center line of Clarence street to the center line of Sunrise street, thence westerly along the center line of Sunrise street to the center line of Utah street; thence southerly along the center line of Utah street to the center line of Seventh street, and that part of Los Angeles City precinct number eighty-four lying north of the center line of Sixth street and its prolongation easterly to the easterly boundary of said precinct, shall constitute the Sixty-fourth Assembly District.

65. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers eighty-five, eighty-six, eighty-seven, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-six, ninety-seven, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, one hundred seven, one hundred thirteen, one hundred fourteen, one hundred fifteen, one hundred sixteen, one hundred seventeen, that part of Los Angeles City precinct number eighty-four lying south of the center line of Sixth street and its prolongation easterly to the easterly boundary line of said precinct, that part of Los Angeles City precinct number ninety-five lying north of the center line of Twenty-first street and west of the center line of Compton avenue, and those parts of Los Angeles City precincts numbers ninety-eight, one hundred eight and one hundred eighteen lying north of the center line of Twenty-first street, shall constitute the Sixty-fifth Assembly District.

66. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City precincts numbers ten, twelve, fifteen, sixteen, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, that part of Los Angeles City precincts numbers five, thirteen and fourteen lying easterly of the center line of Griffin avenue, and the prolongation of said center line of

Griffin avenue to the north patent boundary line of the city of Los Angeles, that part of Los Angeles City precinct number eleven lying east of the center line of Daly street, and that part of Los Angeles City precinct number eighty-two lying south of the center line of Seventh street, also that part of said precinct lying east of the following described line: Beginning at the intersection of the center line of First street with the center line of Pecan street, thence southerly along the center line of Pecan street to the center line of Fifth street; thence westerly along the center line of Fifth street to the center line of Gless street; thence southerly along the center line of Gless street to the center line of Sixth street; thence westerly along the center line of Sixth street to the center line of Clarence street (from the south), thence southerly along the center line of Clarence street to the center of Sunrise street; thence westerly along the center line of Sunrise street to the center line of Utah street; thence southerly along the center line of Utah street to the center line of Seventh street, shall constitute the Sixty-sixth Assembly District

67. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Pasadena City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and Altadena, shall constitute the Sixty-seventh Assembly District.

68. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Claremont City, La Verne, Lordsburg City, San Dimas, Pomona City numbers one, two, three, four, five and six, Spadra, Azusa, Azusa City, Glendora, Covina, Covina City, Rowland, Rivera, Los Nietos, Whittier City numbers one, two, three and four, and that part of El Monte precinct lying south of the westerly prolongation of the south line of Santa Anita precinct and east of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-eighth Assembly District

69. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit. Monrovia City numbers one, two and three, Duarte, Arcadia City numbers one and two, Sierra Madre City, Lamanda numbers one and two, Santa Anita, San Gabriel, Alhambra City numbers one, two and three, South Pasadena City numbers one, two and three, Baird, Belvidere numbers one and two, Montebello, Laguna, Fruitland, Vernon City, Huntington Park City numbers one and two, that part of the precincts of Miramonte and Florence lying east of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and that part of the precinct of El Monte lying north of the westerly prolongation of the southerly line of Santa Anita precinct and also that part of said precinct of El Monte lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-ninth Assembly District.

70. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Long Beach City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen, Naples, Alamitos, Cerritos, Artesia, Norwalk, La Mirada, East Whittier, Downey numbers one and two, Clearwater, Willowbrook, Dominguez, Watts City, Compton City, and that part of Wilmington precinct which was annexed to the city of Long Beach prior to November 1, 1911, shall constitute the Seventieth Assembly District.

71. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit Catalina, Lomita, Green Meadows, Gardena numbers one and two, all of Wilmington precinct, except the part which was prior to November 1, 1911, annexed to the city of Long Beach, that part of the precincts of Miramonte and Florence lying west of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and Los Angeles City precincts numbers one hundred ninety-two, one hundred ninety-three, one hundred ninety-four, one hundred ninety-seven, one hundred ninety-eight, one hundred ninety-nine, two hundred, two hundred four, two hundred five, two hundred six, two hundred seven, two hundred eight, two hundred eleven, two hundred thirteen, two hundred eighteen, two hundred nineteen, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred twenty-six, two hundred twenty-seven, two hundred twenty-eight, two hundred twenty-nine and two hundred thirty, shall constitute the Seventy-first Assembly District.

72. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit · Los Angeles City numbers one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, one hundred seventy-one, one hundred seventy-two, one hundred seventy-three, one hundred seventy-four, one hundred seventy-five, one hundred seventy-six, one hundred seventy-eight, one hundred seventy-nine, one hundred

eighty, one hundred eighty-one, one hundred eighty-two, one hundred eighty-three, one hundred eighty-four, one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one, that part of Los Angeles City precinct number one hundred fifty-seven lying south of the center line of Jefferson street, and all of Los Angeles City precinct number one hundred seventy-seven, except that portion thereof bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the Seventy-second Assembly District

73. All that portion of the county of Los Angeles including within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers ninety-nine, one hundred nine, one hundred ten, one hundred eleven, one hundred ninety-five, one hundred ninety-six, two hundred one, two hundred two, two hundred three, two hundred nine, two hundred ten, two hundred twelve, two hundred fourteen, two hundred fifteen, two hundred sixteen, two hundred seventeen, two hundred twenty, two hundred twenty-one, two hundred twenty-two, all of Los Angeles City precinct number ninety-five, except that part lying north of the center line of Twenty-first street and west of the center line of Compton avenue, that part of Los Angeles City precincts numbers ninety-eight, one hundred eight and one hundred eighteen lying south of the center line of Twenty-first street, that part of Los Angeles City precinct number one hundred twenty-seven lying east of the center line of Maple avenue, all of Los Angeles City precinct number one hundred twenty-eight, except that portion lying west of the center line of Maple avenue and north of the center line of Jefferson street, and that part of Los Angeles City precinct number one hundred thirty-six lying south of the center line of Jefferson street, shall constitute the Seventy-third Assembly District

74. The county of Orange shall constitute the Seventy-fourth Assembly District.

75. All that portion of the county of San Bernardino comprised within the following townships, as such townships were constituted November 1, 1911, to wit Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Victor, Oro Grande, Barstow and Belville shall constitute the Seventy-fifth Assembly District.

76. All that portion of the county of San Bernardino not included within the Seventy-fifth Assembly District, as designated and constituted by this section, shall constitute the Seventy-sixth Assembly District

77 The county of Riverside shall constitute the Seventy-seventh Assembly District.

78 All that portion of the county of San Diego included within the present boundaries of the first, second, third, fourth, fifth, sixth and seventh wards of the city of San Diego, shall constitute the Seventy-eighth Assembly District

79 All that portion of the county of San Diego not included in the Seventy-eighth Assembly District, as designated and constituted by this section, shall constitute the Seventy-ninth Assembly District.

80. The county of Imperial shall constitute the Eightieth Assembly District.

SEC. 3. Any precinct, or portion of any precinct, not specifically described herein as constituting a portion of either a Senatorial or Assembly district, shall be attached to and constitute a part of the Senatorial or Assembly district adjacent thereto and situated within the same county or city and county, having, as shown by the last Federal census, a less population than any other such district adjacent thereto

SEC. 4. An Act entitled "An Act to divide the State into legislative districts as required by section six article four of the Constitution and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act are hereby repealed.

The roll was called, and the Assembly refused to concur in the Senate amendments by the following vote:

AYES—Messrs. Beatty, Benedict, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Hinkle, Hinshaw, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, Walsh, and Young—33.

NOES—Messrs Beckett, Bennink, Bliss, Bolmett, Brown, Chandler, Cronin, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Jasper, Jones, Judson, Kehoe, Maher, Malone, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—42.

Bill ordered transmitted to the Senate.

EXPLANATION OF VOTE.

Mr. Clark sent to the desk the following statement to be printed in the Journal:

At the time I voted for Assembly Bill No. 66 I stated that I then voted for it as the only bill before the Assembly; also, then stating that if the so-called Thompson bill should, in my judgment, conform more nearly to the Constitution than Assembly Bill No. 66, I would vote for it. So far as I am able to ascertain the Thompson bill, on the face, more nearly conforms to the Constitution. For this reason I vote for Assembly Bill No. 66, as amended in the Senate.

WM. C CLARK.

SENATE MESSAGES—(RESUMED).

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act—and the Senate respectfully requests your honorable body to concur in its amendments to said Assembly Bill No 30.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 30?"

On page 4, line 20 of the printed bill, after the word "exceeds", insert the following: "the number of congressional districts in the State, but is less than twice the number of such districts, the names of such candidates thus grouped together shall be so selected that not more than three and not less than one of such candidates shall reside in any one congressional district and that when the number of names of candidates printed upon the same nomination paper exceeds".

Also: After Section 9 of the printed bill, insert a new section to read as follows:

SEC. 10 Accompanying the sample ballot for the May presidential primary election mailed to the voters of each political party, there shall be included for such party a sheet with the following title in twenty-four point capital type, Biographical Sketches of Presidential Candidates Under this heading there shall appear in twelve-point capital type the name of each candidate of such party for nomination for President for whom a biographical sketch is furnished, and below such name shall be printed in ten-point type the biography of such candidate in no more than three hundred words. The biographical sketch of each candidate for presidential nomination shall be furnished by such candidate or by such state political organization created in support of his candidacy as shall not be repudiated by him as lacking authority to furnish such biographical sketch. Such biographical sketch shall be sent to the Secretary of State, together with the sum of two hundred dollars, to defray the cost of its publication, at least forty days prior to the date of the May presidential primary election, and it shall be printed at the State Printing Office and sent to the county clerks or registrars of voters to be mailed with the sample ballots as aforesaid. The biographical sketches of all the candidates for presidential nomination of any party who appear upon the ballot of such party, and none other, shall be printed upon the same sheet, and shall appear in the same order as they appear upon the ballot The sheet mailed to the voters by the county clerks or registrars of voters shall be the one which contains the biographies of such candidates for presidential nomination as appear upon the ballots mailed to the voters in the same envelope, and no other sheet shall be mailed. In the case of any political party for none of whose candidates any biographical sketch has been furnished, no sheet as hereinbefore provided shall be prepared or mailed.

Also: Change the numbers of present sections 10, 11, 12, 13 and 14, to 11, 12, 13, 14 and 15, respectively.

Also On page 6 of the printed bill, after the period in line 29, insert the following: In case that there are no names of candidates for delegate to be placed in a "No Preference Column", such "No Preference Column" shall be omitted from the ballot, and the "Blank Column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee.

Also: At the end of the matter contained in amendment No. 4 insert the following: "In the event that two or more candidates for presidential nominee whose names

are printed upon the same ballot have the same surname, the distinguishing names or initials of such candidates shall be affixed to their respective surnames on said ballot following the words 'Candidates Preferring'."

The roll was called, and Senate amendments to Assembly Bill No. 30 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—65.
NOES—None.

Bill ordered to enrollment.

THIRD READING OF SENATE BILL.

Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and

also providing penalties for other violations of this Act; repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the power and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8th, 1911.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—61.

NOES—Mr. Schmitt and Mr. Speaker—2.

Title read and approved.

Bill ordered transmitted to the Senate

RECESS.

At two o'clock and fifty-five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until four o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At four o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Butler rose to a question of personal privilege and denied statements in the press relative to there being any agreeement between the Los Angeles and San Francisco delegations, stating that if any agreement had been entered into by any person relative to the tide lands and the reapportionment of San Francisco on the basis of seven and fourteen, or any other number, it was absolutely without his knowledge, and that if any such agreement had been entered into, he denounced and repudiated it on the ground that he was not a party thereto. Speaking for himself, and not for any other member of the delegation, he stated that he had made no agreement of any nature whatsoever between the San Francisco delegation, or any member thereof, or any other delegation, and that he would not consider himself bound by any agreement or tentative agreement that might have been entered into or suggested by any other person.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 44—An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this State the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Concurrent Resolution No. 2—Relative to joint rules of the Senate and Assembly.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR SPEAKER: I am directed to inform your honorable body that the President of the Senate on this day appointed a Committee on Conference, consisting of Senators Roseberry, Gates and Wolfe on Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, provid-

ing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911—to meet a similar committee from your honorable body.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the President of the Senate on this day appointed a Committee on Conference, consisting of Senators Roseberry, Gates and Wolfe, on Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports—to meet a similar committee from your honorable body.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from its amendments to Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—and the President of the Senate has appointed Senators Cutten, Strobridge, and Birdsall as a conference committee to meet a similar committee from your honorable body.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in the Assembly amendments to Senate Bill No. 2—An Act to establish a standard of weights and measures in the State of California, to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection thereof, to provide penalties for the violation of the provisions of this Act; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputies, defining the powers and duties of such officers; and making an appropriation to carry this Act into effect—and respectfully requests your honorable body to recede from said amendments.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from its amendments to Senate Bill No. 2?"

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Messrs. Beatty, Callaghan, Coghlan, Cogswell, Cunningham, Feeley, Fitzgerald, Griffin of Modesto, Joel, Kennedy, Lyon of Los Angeles, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, and Walsh—21

NOES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Maher, Malone, March, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—47.

Also:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registration of voters

Also: Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants

And respectfully requests your honorable body to concur in said Senate amendments.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 70?":

On page 1, line 6 of the amended bill, before the period, insert a comma followed by the words: "including Christian or given name, and middle name or initial, if any."

Also: On page 2, line 17 of the amended bill, before the comma, insert a comma followed by the words: "or the wife or husband of such proprietor".

Also: On page 2, line 16 of the amended bill, after the word "that", insert the word "he".

Also: Underneath statement number 1 of the affidavit of registration, in fine print enclosed in parentheses, insert the following words: ("Including Christian or given name, and middle name or initial, if any").

Also: In statement number 7 of the affidavit of registration, before the period, insert a comma, followed by the words: "or the wife or husband of such proprietor".

Also: In the second and third lines of statement 20 of the affidavit of registration, omit the last comma of the second line and everything following, and insert in lieu thereof the following "next preceding the next ensuing election, and will be an elector of said county at the next succeeding election."

Also: In statement number 15 of the affidavit of registration omit the words "or precinct".

Also: On page 5, lines 16 to 19 of the printed bill, omit the sentence beginning with the word "Except".

Also: In the affidavit of registration, statement number 9, omit the words "That he intends" and insert in lieu thereof "I intend."

Also: In the affidavit of registration, statement number 13, omit the words "that such" and insert in lieu thereof the word "my".

Also In the affidavit of registration, omit the word "By" before the blank in the last line of such affidavit.

Also: On page 3, line 48, strike out the words "upon the production", also all of lines 49 and 50, and all of line 51, excepting the last four words of said line 51.

Also: On the first line of statement number 1 of the affidavit of registration omit the words "says that he is", and insert in lieu thereof the words "says: I am".

Also: In the affidavit of registration, statements numbers 1, 3, 4, 5, and 8, omit the words "That his" and insert in lieu thereof the word "My".

Also: In the affidavit of registration, statements numbers 7, 15, 16, and 17, omit the words "That he is" and insert the words "I am".

Also: In the affidavit of registration, statements numbers 12, 18, and 19, omit the words "That he", and insert in lieu thereof the word "I", in each of the four places where the words "that he" are thus omitted.

Also: In the affidavit of registration, statement number 13, omit the words "That she became", and insert the words "I became".

Also: In the affidavit of registration, statement number 20, omit the words "That he has" and insert the words "I have".

Also: In the affidavit of registration, statements numbers 10, 11, and 14, omit the word "That" and begin, in each case, the word following with a capital letter.

Also: In the affidavit of registration, statements numbers 11, 12, 17, and 19, omit the word "his", wherever it occurs, and in statements numbers 13 and 14 omit the word "her", wherever it occurs, and in lieu of each of the words so omitted insert the word "my".

Also On page 7, affidavit of registration, of the printed bill, strike out the words in Subdivision 13 "That she does _____ produce the certificate of marriage."

Also: On page 7, in the affidavit of registration of the printed bill, strike out Subdivision 14 of the said affidavit of registration.

Also: On page 4, at the end of Subdivision 5 of Section 2 of the printed bill, insert a new subdivision as follows: "6. Whenever any elector, between the time of her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed her surname by a change or assumption of marital relations, she shall be entitled to re-register under her new or changed name, upon an additional statement made at the time of

such re-registration, giving the name under which she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of re-registration before the said affidavit is signed, and shall be deemed a part thereof. Upon such re-registration the last previous registration of such elector shall be cancelled."

Also: On page 4 of the printed bill, renumber Subdivision 6 as Subdivision 7.

The roll was called, and Senate amendments to Assembly Bill No. 70 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Clark, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 71?"

On page 3, Section 1 of the printed bill, strike out all of line 13 following the semicolon after the word "month", also all of line 14 and all of line 15 to and including the semicolon after the word "month".

Also: On page 3, Section 1, line 18 of the printed bill, strike out the word "twenty-eight" and insert in lieu thereof the following: "twenty-nine".

Also: On page 3, Section 1, line 24 of the printed bill, strike out the word "twenty-five" and insert in lieu thereof the following: "fifteen".

The roll was called, and Senate amendments to Assembly Bill No. 71 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Callaghan, Cattell, Clark, Cronin, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Young, and Mr. Speaker—55.

NOES—None.

Bill ordered to enrollment.

APPOINTMENT OF COMMITTEES ON CONFERENCE.

The Speaker announced the appointment of the following committees on conference:

On Senate Bills Nos. 11 and 12: Messrs. Harlan, Joel, and Guill.

On Assembly Bill No. 66: Messrs. Mott, Stevenot, and Wilson.

On Senate Bill No. 2: Messrs. Hamilton, Rutherford, and Hinshaw.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 67—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Also Assembly Bill No. 61—An Act to amend section four of an Act entitled

"An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Assembly Bill No 17—An Act to amend an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Assembly Bill No. 8—An Act to amend Section 4021*a* of the Political Code, providing for the recall of elective officers of counties and subdivisions thereof

Also: Assembly Bill No. 9—An Act to amend Section 4058 of the Political Code, relating to direct legislation and including initiative and referendum, by electors of counties.

Also: Assembly Bill No 10—An Act to provide for the recall of elective officers of incorporated cities and towns.

Also: Assembly Bill No 11—An Act to provide for direct legislation by cities and towns, including initiative and referendum.

And Assembly Bill No. 53—An Act to amend Section 2694 of the Political Code of the State of California, relating to public highways

And were presented to the Governor December 22, 1911, at four o'clock P. M.

RANDALL, Chairman.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until eight o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At eight o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 48—An Act regulating and limiting the appropriation of water and the use of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water or the use of water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for water or the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than forty years; limiting the right to water or the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water or the use of water appropriated may be sold, rented or distributed, reserving to the State the right to impose charges for water or the use of water appropriated for electricity or electrical or other power and fixing fees and charges, preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state water commission; providing the powers and duties of said water commission and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said water commission; providing for the appointment and compensation of employees and assistants to said water commission; limiting the expenses of said water commission and providing for the payment thereof; making an appropriation to carry out the provisions of this Act; fixing the place of business of said

water commission; declaring the diversion of water or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act, repealing an Act entitled "An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years, limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power, and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act," approved April 8, 1911, and all Acts and parts of Acts in conflict with this Act.

Also to Senate Joint Resolution No 10—Relating to the Simmons National Quarantine Act now before Congress

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER I am directed to inform your honorable body that the President of the Senate on this day appointed a conference committee, consisting of Senators Welch, Hewitt, and Martinelli, on Senate Bill No 2—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection thereof, to provide penalties for the violation of the provisions of this Act; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputies, sealers of weights and measures and their deputies, defining the powers and duties of such officers, and making an appropriation to carry this Act into effect—to meet the similar committee already appointed by your honorable body.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No 6—Relative to California Redwood Park.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly joint resolution ordered to enrollment.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1911.

MR SPEAKER: Your Committee on Conference, concerning Assembly Bill No 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to

the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—have met a like committee from the Senate, consisting of Senators Cutten, Strobridge, and Birdsall, and respectfully report that the conference committee was unable to agree, and recommend that a Committee on Free Conference be appointed.

CUTTEN,
STROBRIDGE,
BIRDSALL,
Senate Committee on Conference.

MOTT,
WILSON,
STEVENOT,
Assembly Committee on Conference.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs. Jones, Judson, and Bohnett as a Committee on Free Conference, to meet with a like committee from the Senate, to consider Assembly Bill No. 66.

MOTION.

Mr. Bohnett moved that the Assembly adjourn until nine o'clock and thirty minutes A. M. of Saturday, December 23, 1911.

AMENDMENT.

Mr. Schmitt moved as an amendment that the time be eight o'clock and thirty minutes A. M.

Amendment adopted.

ADJOURNMENT.

At nine o'clock and fifty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until eight o'clock and thirty minutes A. M., of Saturday, December 23, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, December 23, 1911.

At eight o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith,

Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

LEAVES OF ABSENCE.

On motion, Messrs. Lynch and Walker were granted leave of absence for the day.

PRAYER.

Upon invitation of the Speaker, prayer was offered by Assemblyman W. A. Lamb.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Walsh.

REPORT OF COMMITTEE ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: The conference committee appointed to consider Senate Bill No. 2 have met with a like committee appointed by the Senate, and report that they are unable to agree, and recommend that a Committee on Free Conference be appointed.

HAMILTON,
HINSHAW,
RUTHERFORD,
Assembly Conference Committee.

WELCH,
HEWITT,
MARTINELLI,
Senate Conference Committee.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the President of the Senate on this day appointed as a Committee on Free Conference on Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—Senators Stetson, Roseberry, and Boynton, to meet a like committee from your honorable body.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

EXPLANATION OF VOTE.

Mr. Held sent to the desk the following statement, and requested that it be printed in the Journal:

The Journal of December 22 shows that I voted against the passage of Senate Bill No. 44. I did not so intend to cast my vote, and, through an error, the record fails to show correctly my intention and desire to support the bill. I intended to vote for the bill and believed until my attention was called to it that the Journal showed that I had done so.

Request granted.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution

of said State, by amending section six of article four thereof, relating to senatorial and assembly districts, and repealing section twenty-seven of article four of said Constitution, relating to congressional districts and the formation thereof.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 7 refused adoption by the following vote:

AYES—Messrs Beckett, Cronin, Held, Maher, Preisker, Stuckenbruck, Sutherland, and Telfer—8.

NOES—Messrs. Beatty, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Guill, Hall, Hamilton, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Walsh, Williams, Wilson, Wyllie, and Young—46

Senate constitutional amendment ordered transmitted to the Senate.

RECESS.

At nine o'clock A. M., on motion of Mr. Cattell, the Assembly was declared at recess until ten o'clock and thirty minutes A. M. of this day.

REASSEMBLED.

At ten o'clock and thirty minutes A. M. the Assembly reconvened. Speaker Hewitt in the chair.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs. Chandler, Wyllie, and Guill as a Committee on Free Conference on Senate Bill No. 2.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 32—An Act to amend section eight of an Act entitled "An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled 'An Act to provide for the formation of boulevard districts, and the construction, maintenance and use of boulevards, and defining the term boulevard,' approved March 22, 1905, and the Act amendatory thereof, approved April 15, 1909," approved May 1, 1911; said amendments relating to elections

Also: Assembly Concurrent Resolution No. 11—Relative to the printing of the statutes of the thirty-ninth (extra) session for the purpose of distribution

Also: Assembly Bill No. 58—An Act to amend Section 1115 of the Political Code, relating to the printing of copies of the index to registrations

Also: Assembly Bill No. 73—An Act to amend an Act entitled "An act to provide for the incorporation and organization and management of municipal water districts," approved May 1, 1911, by amending Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 24, 27, and 28 of said Act, and by repealing Sections 16, 21, and 31 of said Act, and by adding a new section to said Act, to be designated as Section 29, relating to the duties of the county clerk and registrar of voters, also by adding a

new section to said Act to be designated as Section 30, relating to the continuance of proceedings heretofore commenced under said Act, also by adding a new section to said Act to be designated as Section 31, amending the title of said Act to read as follows "An Act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts"

Also Assembly Bill No. 64—An Act to amend Section 1197 of the Political Code, relating to election ballots

Also Assembly Bill No 63—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots

And Assembly Bill No. 7—An Act to add a new section to the Political Code of the State of California to be numbered 1095*a*, relating to the form of affidavits of registration, and the manner of executing and returning the same, and providing penalties for the violation of said section.

And were presented to the Governor December 23, 1911, at nine o'clock and thirty minutes A. M.

RANDALL, Chairman.

REPORTS OF COMMITTEE ON CONFERENCE.

The following reports of Committee on Conference were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER Your Committee on Conference concerning Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purposes of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—consisting of Assemblymen Harlan, Guill, and Joel, report that we have met a like committee of the Senate, consisting of Senators Roseberry, Wolfe, and Gates, and we report that the conference committee agreed upon and recommend the bill be amended as follows

First—In Section 4, line 5, after the word "that", insert the word "knowingly".

Second—In Section 4, line 8, strike out all of that line after the word "of" and all of lines 9, 10, and 11, and insert in lieu thereof the following: "not more than ten dollars".

And that Assembly recede from amendments adopted December 18, 1911.

HARLAN,
JOEL,
GUILL,
Assembly Committee on Conference.

ROSEBERRY,
GATES,
WOLFE,
Senate Committee on Conference.

Mr. Harlan moved the adoption of the report.

The roll was called, the report adopted, and amendments receded from by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto Guill, Hall, Hamilton, Harlan, Held, Hinkle, Joel, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr Speaker—52

NOES—Mr. Jasper—1

Also:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Conference concerning Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees, the reporting of such injuries to the Industrial Accident Board by employers and attending physicians; the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board; and fixing a penalty for refusal or neglect to keep such records or make such reports—consisting of Assemblymen Harlan, Guill, and Joel, report that we have met a like committee of the Senate, consisting of Senators Roseberry, Wolfe, and Gates, and we report that the conference committee agreed upon and recommend that the Senate concur in the amendments as made by the Assembly December 19, 1911.

HARLAN,
JOEL,
GUILL,
Assembly Committee on Conference.

ROSEBERRY,
GATES,
WOLFE,
Senate Committee on Conference.

Mr. Harlan moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Held, Hinkle, Joel, Kennedy, Lamb, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mullally, Nolan, Polsley, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

RECESS.

At ten o'clock and forty-five minutes A. M., on motion of Mr. Hinkle, the Assembly was declared at recess until eleven o'clock and thirty minutes A. M. of this day.

REASSEMBLED.

At eleven o'clock and thirty minutes A. M. the Assembly reconvened. Speaker Hewitt in the chair.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference on Senate Bill No. 11—An Act imposing additional duties and conferring additional powers upon the Industrial Accident Board, requiring certain statistical information, fixing a penalty for neglect or refusal to give such information to said board on request, requiring said board to report to the Governor and authorizing it to give publicity to the results of its researches and investigations and empowering said board to expend in carrying out the requirements of this Act a sum not to exceed fifteen thousand dollars out of the funds heretofore appropriated for carrying out the purpose of an Act entitled "An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911"—and the amendments to said Senate Bill No. 11 recommended in said report, and we respectfully request your honorable body to recede from its amendments to said bill adopted December 18, 1911, as recommended in said report.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference on Senate Bill No. 12—An Act to provide for the keeping by employers of a record of injuries suffered by their employees; the reporting of such injuries to the Industrial Accident Board by employers and attending physicians, the keeping by employers and insurance companies of records of claims for injuries suffered by employees and of compromises and settlements made therefor and requiring the reporting thereof to said board, and fixing a penalty for refusal or neglect to keep such records or make such reports—recommending that the Senate concur in Assembly amendments thereto, and the Senate concurred in said amendments of December 19, 1911.

WALTER N. PARRISH, Secretary of Senate
By W. H. WRIGHT, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, December 23, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 16—Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigations and surveys by the California Débris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 16 read, and referred to Committee on Federal Relations.

CONSIDERATION OF SENATE JOINT RESOLUTION.

Senate Joint Resolution No. 6—Relative to a canal constructed from the San Joaquin River near Pollasky, in Fresno County, to a point in San Joaquin County near Stockton.

The question being on the adoption of the joint resolution.

A vote was taken, Senate Joint Resolution No. 6 adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 6,

Relative to a canal constructed from the San Joaquin River near Pollasky, in Fresno County, to a point in San Joaquin County near Stockton.

WHEREAS, There is in the San Joaquin Valley in California a large tract of irrigable arid land, consisting of more than one million acres, all of which is good, rich, level, arid land, and the same would consume all the flood waters that annually come down from the Sierra Nevada Mountains through the San Joaquin and Fresno rivers, and if said waters were conserved and distributed over said lands, the same would yield bountiful crops and would add great wealth to the State of California; and

WHEREAS, All of said waters could be conserved and distributed over said lands by means of canals constructed for the distribution of same; and

WHEREAS, If said waters were so conserved and distributed by means of said canals, a large return therefrom by annual rentals for the use of said waters would result in ample returns to the Government upon the moneys thus expended, and at the same time would lessen the cost of maintaining the levees and embankments along the lower San Joaquin River, and thereby minimize the danger to and loss of property occasioned by the rise and overflow of said San Joaquin River; and

WHEREAS, Reservoirs and canals of sufficient capacity to conserve and carry all of said waters can be constructed by the Federal Government, but the cost of which would be too great for private enterprise or state undertaking; therefore, be it

Resolved by the Senate and Assembly, jointly, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure the passage of a law in Congress by which the Government of the United States will cause a proper survey of such proposed restraining dams and canals to be made, and to thereafter with all reasonable dispatch construct dams and canals and to sell and dispose of upon such terms as may be prescribed by the department in charge thereof, the said waters for use of all the lands susceptible of being irrigated from said storage reservoirs; be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to each of our Senators and Representatives in Congress.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 16—Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigations and surveys by the California Débris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

CONSIDERATION OF SENATE JOINT RESOLUTIONS

Senate Joint Resolution No. 16—Memoralizing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigations and surveys by the California Débris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

The question being on the adoption of the joint resolution.

A vote was taken, Senate Joint Resolution No. 16 adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 16.

Memorializing the Congress of the United States for favorable consideration of the request of the Legislature of the State of California, for investigations and surveys by the California Débris Commission under the provisions of an Act of Congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin Valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

WHEREAS, Conditions injuriously affecting vast areas of valuable land adjacent to, and the interests of commerce and navigation in, the river systems of the San Joaquin Valley, within the power of the California Débris Commission to correct under the provisions of an Act of Congress, approved March 1st, 1893, creating said commission and defining its duties, are identical with those existing in the river systems of the Sacramento Valley and require like remedial treatment; and

WHEREAS, The Sacramento and San Joaquin rivers form a delta, common to both, and by connecting water ways, their flood waters mingle, frequently involving great damage to property and to navigation, and

WHEREAS, The work involved and plans contemplated in said rivers and said delta, under the requirements of said Act, should be coordinated into one harmonious project; and

WHEREAS, The report of said commission made in accordance with the requirements of said Act, including maps and containing a project together with estimate of the cost thereof, for the relief from floods in the Sacramento Valley, transmitted to the Congress of the United States by the Secretary of War, June 25th, 1911, and approved and recommended by him for adoption by Congress, now designated as House Document No 81, Sixty-second Congress, First Session, applies only to the Sacramento River conditions, and said commission strongly urges "that work begin at once and provisions be made for its early completion", and

WHEREAS, As delay in treating these conditions in the river systems of the Sacramento Valley has greatly added to the injury done as well as to the cost of the proposed project, the same results will follow delay in treating like conditions in the river systems of the San Joaquin Valley; and

WHEREAS, As investigations and surveys are required preliminary to the making of a report by said commission on said river systems in the San Joaquin Valley, it is of the utmost importance that such investigations and surveys be commenced without unnecessary delay, and

WHEREAS, As said remedial work necessary in said river systems and said delta make the problem a vital one pressing for an early solution, the Legislature of the State of California has by appropriate legislation adopted the project contained in said report, and has in other ways indicated its willingness to cooperate with the United States, in furtherance of this great work; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California, in extraordinary session assembled, memorializes the Congress of the United States, for such legislation and direction, as will provide for such investigations and surveys by the California Débris Commission under the provisions of said Act, thereby hastening the preparation and making of the report on a project for the relief from floods in the San Joaquin Valley and said delta and for improvements in aid of commerce and navigation; be it further

Resolved, That our Senators and Representatives in Congress be and they are hereby requested to use all honorable means to secure favorable consideration of this memorial; and be it further

Resolved, That duly authenticated copies of this memorial be transmitted by the Governor of the State of California to the Senate and House of Representatives of the United States, the Secretary of War, the Chief of Engineers, United States army, the California Débris Commission, and to each of our Senators and Representatives in Congress.

Senate Joint Resolution No. 4—Relative to the election of the President and Vice-President of the United States by a direct popular and nation-wide vote.

The question being on the adoption of the joint resolution.

The roll was called, Senate Joint Resolution No. 4 adopted, and ordered transmited to the Senate.

SENATE JOINT RESOLUTION No 4.

Relative to the election of President and Vice-President of the United States by a direct popular and nation-wide vote.

WHEREAS, There is a movement for the adoption of an amendment to the Constitution of the United States which will provide for the election of President and Vice-President of the United States by direct vote of the people, therefore, be it

Resolved, That the Legislature of the State of California favor the adoption of the amendment to the Constitution of the United States which will provide for the election of such President and Vice-President by a direct vote of the people

Resolved, That our Senators and Representatives in Congress be requested to vote for the adoption of a proposed amendment to the Constitution that shall provide for such change; be it further

Resolved, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

Senate Joint Resolution No. 13—Relative to memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission, relating to control of floods in the river systems of the Sacramento Valley, and the adjacent San Joaquin Valley, California.

The question being on the adoption of the joint resolution

A vote was taken, Senate Joint Resolution No 13 adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 13.

Memorializing the Congress of the United States for favorable consideration of the project contained in the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, California."

WHEREAS, The Secretary of War, on the 29th day of June, 1911, submitted to the House of Representatives of the United States, duly approved and recommended for adoption, the report of the California Débris Commission, relating to "control of floods in the river systems of the Sacramento Valley and the adjacent San Joaquin Valley, California," now known and designated as House Document No 81, Sixty-second Congress First Session, and

WHEREAS, The approval of said report contains the suggestion "that work begin at once, and provision be made for its early completion"; and

WHEREAS, The construction and completion of the project proposed in said report is of vital importance to the people of this State and of the whole country; and

WHEREAS, The Legislature of the State of California, in extraordinary session assembled, has by an Act of said Legislature adopted the project and recommendations set forth in said report of the California Débris Commission, and has in said Act provided for coöperation between the State of California and the Government of the United States in putting into effect the proposed project and recommendations; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the said Legislature memorializes the Congress of the United States for favorable consideration of the report of said California Débris Commission transmitted as aforesaid by the Secretary of War to Congress; be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to the Senate and House of Representatives of the United States, the Secretary of War, and to each of our Senators and Representatives in Congress, be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means to secure favorable action on said report and said project.

RESOLUTION.

The following resolution was offered:

By Mr. Bliss:

Resolved, That the action of Ed H. Whyte, Sergeant-at-Arms of the Assembly, in employing Martin Burke as Porter for one day, to wit: third day of December, 1911, be and the same is hereby approved and ratified, and the State Controller is hereby directed to draw his warrant in favor of said Ed H. Whyte against the Contingent Fund of the Assembly in the sum of three dollars, said payment being on account of services rendered by said Martin Burke for one day's service as Porter, as aforesaid.

Mr. Bliss moved the adoption of the resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bliss, Brown, Butler, Cattell, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, and Mr. Speaker—56.

NOES—None.

RECESS.

At twelve o'clock M., on motion of Mr. Walsh, the Assembly was declared at recess until one o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 65—An Act to amend Sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled 'An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909,' approved April 7, 1911."

Also: Assembly Bill No. 70—An Act to amend Sections 1096 and 1097 of the Political Code, relating to elections and the registration of voters.

Also: Assembly Bill No. 71—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Also: Assembly Bill No. 30—An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this Act.

And were presented to the Governor December 23, 1911, at two o'clock P. M.

RANDALL, Chairman.

ON CONTINGENT EXPENSES AND ACCOUNTS

MR SPEAKER: Your Committee on Contingent Expenses and Accounts have had the enclosed matter under consideration and beg to report that the following resolution be adopted as amended:

WHEREAS, By resolution of this Assembly in the matter of A. H. Carpenter against N. P. Chipman, Albert G. Burnett and Elijah C. Hart, as Judges of the District Court of Appeal of the State of California in and for the Third Appellate District, authority was given to Judiciary Committee of this Assembly or a subcommittee thereof, and to employ such help and other assistance as might be necessary on the hearing of said matter; and,

WHEREAS, The said committee found it necessary on said hearing to secure the services of a stenographer to write down the testimony offered, and secured for that purpose the services of Joseph E. Pipher; and,

WHEREAS, Said Joseph E. Pipher, as such stenographer, has presented a bill for services rendered as follows:

December 14, 1911, per diem	$10 00
December 14, 1911, evening session	10 00
	$20 00

Amendment: Strike out the words "December 14, 1911, per diem, $10.00"; also, strike out the words "December 14, 1911, evening session, $10.00", and insert in lieu thereof "December 14, 1911, $10.00"; and be it further

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of ten ($10.00) dollars in favor of Joseph E. Pipher for reporting.

STEVENOT, Chairman.

Amendment adopted.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Lamb, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—46

NOES—None.

Also:

MR SPEAKER: Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and beg to report that the following resolution be adopted

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of one hundred sixty-two dollars and seventy-five cents ($162.75) in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

Kane & Trainor	$17 25
Whiskey Hill Water Company	18 00
Wahl Stationery Company	40 45
Remington Typewriter Company	5 50
Underwood Typewriting Company	12 00
T. M. Richardson	4 00
Mrs McCall	8 70
Siller Bros.	2 50
Pacific Telephone and Telegraph Company	44 35
Wm Eberhardt	10 00
	$162 75

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Lamb, Lyon of San Francisco, Maher, McGowen Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits Walsh, Williams, Wilson, and Mr. Speaker—51.

NOES—None.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

MR SPEAKER: We, the undersigned Committee on Free Conference, on Senate Bill No. 2, do hereby respectfully report that we have had the same under consideration, and are unable to agree and ask to be discharged.

WRIGHT,
CURTIN,
WOLFE,
Senate Committee on Free Conference.

CHANDLER,
WYLLIE,
GUILL,
Assembly Committee on Free Conference

RECESS.

At two o'clock and twenty-five minutes P. M., on motion of Mr Cattell, the Assembly was declared at recess until four o'clock P. M of this day.

REASSEMBLED.

At four o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following has been correctly enrolled: Assembly Joint Resolution No. 6—Relative to California Redwood Park—and was presented to the Governor December 23, 1911, at three o'clock and thirty minutes P M

RANDALL, Chairman.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference on Senate Bill No 2—An Act to establish a standard of weights and measures in the State of California, to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection thereof, to provide penalties for the violation of the provisions of this Act; providing for the appointment of officers to enforce and carry into effect the provisions of this Act, including a state superintendent of weights and measures and his deputies; defining the powers and duties of such officers; and making an appropriation to carry this Act into effect

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

Senate Concurrent Resolution No. 4 read, and referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Concurrent Resolution No. 4—Relative to adjournment *sine die*—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

COGSWELL, Chairman.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION.

Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

During consideration of concurrent resolution, the following amendment was submitted by committee:

Amend by striking out all after the words "*sine die*" in the resolution as amended December 23d, and inserting in lieu thereof the following: "at twelve o'clock M. Sunday, December 24, 1911.

Amendment adopted.

The question being on the adoption of the concurrent resolution as amended.

A vote was taken, Senate Concurrent Resolution No. 4 adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 4.

Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California

Resolved by the Senate, the Assembly concurring, That the thirty-ninth (extra) session of the Legislature of the State of California adjourn *sine die* at twelve o'clock M., Sunday, December 24, 1911.

MOTION.

Mr. Rodgers of San Francisco moved that the Assembly take a recess until eight o'clock P. M. of this day.

AMENDMENT.

Mr. Chandler moved as an amendment that the time be five o'clock P. M.

Roll call regularly demanded.

The roll was called, and amendment adopted by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Freeman, Gaylord, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosen-

dale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wyllie, and Mr. Speaker—52.

NOES—Messrs. Beatty, Coghlan, Feeley, Fitzgerald, Gerdes, Joel, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Schmitt, Smith, and Walsh—13.

RECESS.

At four o'clock and fifteen minutes P. M., on motion of Mr. Rodgers of San Francisco, the Assembly was declared at recess until five o'clock P. M of this day.

REASSEMBLED.

At five o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

COMMUNICATION.

The following communication was filed:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: I desire to inform you that the following names have been stricken from the roll of attachés to date from and including Sunday, December 24, 1911, for the reason that said parties have returned home and do not desire to return: Richard Barton, Committee Clerk, M W. Loeffler, Stenographer.

L B. MALLORY, Chief Clerk.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER: Your Committee on Free Conference concerning Assembly Bill No 66, Committee Substitute for Assembly Bills Nos. 19, 35, 37, and 43—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act—report that we have met a like committee of the Senate, consisting of Senators Boynton, Stetson and Roseberry and we further report that a majority of such free conference committee has approved and recommends for adoption, the following amendments

In the printed bill, as amended in Senate, December 19, 1911, strike out all of Sections 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section seventy-eight of the Political Code is hereby amended to read as follows:

78. The State is divided into forty senatorial districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Trinity and Tehama shall constitute the First Senatorial District.

2. The counties of Modoc, Siskiyou, Shasta and Lassen shall constitute the Second Senatorial District.

3. The counties of Plumas, Sierra, Nevada, Placer and El Dorado shall constitute the Third Senatorial District.

4. The counties of Mendocino, Colusa, Lake and Glenn shall constitute the Fourth Senatorial District.

5. The counties of Napa and Solano shall constitute the Fifth Senatorial District.

6. The counties of Butte, Yuba, Sutter and Yolo shall constitute the Sixth Senatorial District.

7. The county of Sacramento shall constitute the Seventh Senatorial District.

8. The county of Sonoma shall constitute the Eighth Senatorial District.

9. The counties of Marin and Contra Costa shall constitute the Ninth Senatorial District.

10. The counties of San Joaquin and Amador shall constitute the Tenth Senatorial District.

11. The counties of San Mateo, San Benito and Santa Cruz shall constitute the Eleventh Senatorial District.

12. The counties of Tuolumne, Mariposa, Stanislaus, Merced, Alpine, Mono, Madera and Calaveras shall constitute the Twelfth Senatorial District.

13. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the line dividing Oakland and Brooklyn townships intersects the northeasterly boundary line of the county of Alameda; thence southwesterly along said dividing line to the northeasterly boundary line of the city of Piedmont; thence southeasterly and southerly following the northern and eastern boundary line of the city of Piedmont to the southeasterly corner thereof; thence southwesterly along Thirteenth avenue to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln or East Thirty-first street to the center line of Twenty-third avenue, thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as the old County Road; thence easterly along said old County Road to the center line of High street; thence easterly along center line of the Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B", or Second street, thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships, thence southerly and westerly along the boundary line of Alameda Township to the westerly boundary line of Alameda County; thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara County; thence easterly along the boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus and San Joaquin; thence northwesterly and northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin; thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning, shall constitute the Thirteenth Senatorial District.

14. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships; thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing Oakland and Brooklyn townships; thence northerly along the westerly boundary line of Brooklyn Township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along said last boundary line to the center of Thirteenth avenue; thence northeasterly along center line of Thirteenth avenue, or County Road to Moraga Valley, to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street, to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as old County Road; thence easterly along said old County Road to the center line of High street; thence along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B", or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995, thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships, thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda County; thence northwesterly along the westerly county boundary line to the southerly boundary line of Oakland township and the point of beginning, shall constitute the Fourteenth Senatorial District.

15. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda, thence westerly along said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street, thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue, thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern

boundary line of Alameda Township, thence easterly along the northern boundary line of Alameda Township to the westerly line of Brooklyn Township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn Township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue, thence northeasterly along the center line of Thirteenth avenue, or County Road to Moraga Valley, to the southeastern corner of the city of Piedmont, thence northerly and westerly following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships, thence northeasterly along the last said township line to the boundary line of Alameda County thence northwesterly along the county boundary line to the point of beginning, shall constitute the Fifteenth Senatorial District.

16. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northerly boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda, thence westerly along said northerly boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street, thence southerly along the center line of Milvia street to the center line of Adeline street thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue, thence southerly along the center line of San Pablo avenue to the center line of Broadway, thence southerly along the center line of Broadway to the northerly boundary line of Alameda township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda; thence northerly along the said county boundary line to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning, shall constitute the Sixteenth Senatorial District.

17. The counties of Monterey and San Luis Obispo shall constitute the Seventeenth Senatorial District.

18. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center line of the following named streets, to wit: Market to the waters of the Bay of San Francisco; thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Eighteenth Senatorial District

19. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets, continuing thence along the center line of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter street to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the Bay of San Francisco; thence along the shore line of said bay northerly and westerly to the waters of the Pacific Ocean; thence along said shore line to Lobos Creek where the same enters into the Pacific Ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning, shall constitute the Nineteenth Senatorial District

20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center line of the following named streets Laguna to O'Farrell, O'Farrell street to St Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Fredrick to Clayton, Clayton street to Clarendon avenue Clarendon avenue to Burnett avenue Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of the San Miguel Rancho; thence along said line northerly to a point opposite Seventeenth street, thence along said line of Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel Rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly and easterly to Lobos Creek; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Twentieth Senatorial District

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street thence along the center line of the following named streets, to wit Twenty-first street to San Carlos street, San Carlos street to

Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets; thence along the center line of the following named streets; Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of the San Miguel Rancho; thence along the line of said San Miguel Rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point in the easterly boundary line of the San Miguel Rancho opposite Seventeenth street; thence along said line southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, and the following described portion of the city and county of San Francisco, to wit: Commencing at the point of intersection of the center line of Bryant avenue with the center line of Twenty-first street; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant avenue, Bryant avenue to the point of beginning, shall constitute the Twenty-first Senatorial District.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing thence along the center line of the following named streets: Bryant avenue to Eleventh street, Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, the place of beginning, shall constitute the Twenty-second Senatorial District.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the Bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, and the following described portion of the city and county of San Francisco: Commencing at the point of intersection of the center line of Twentieth street with the center line of Connecticut street; thence along the center line of the following named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the shore line of the bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the Twenty-third Senatorial District.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific Ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning, shall constitute the Twenty-fourth Senatorial District.

25. The counties of Ventura and Santa Barbara shall constitute the Twenty-fifth Senatorial District.

26. The county of Fresno shall constitute the Twenty-sixth Senatorial District.

27. All that portion of the county of Santa Clara not included in the Twenty-eighth Senatorial District, as designated and constituted by this section, shall constitute the Twenty-seventh Senatorial District.

28. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two, and University numbers one and two, shall constitute the Twenty-eighth Senatorial District.

29. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the north patent boundary line of the city of Los Angeles with the center line of the Los Angeles River; thence southeasterly and southerly along the center line of the Los Angeles River and the center line of the official bed of the Los Angeles River to its intersection with the center line of North Broadway from the east; thence along the center line of the following named streets, to wit: North Broadway to Daly street, Daly street to Mission Road, Mission Road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Gless street, Gless street to Sixth street, Sixth street and its extension westerly along the line of Assembly District number sixty-five, as designated and constituted by section ninety of this Code, to the center line of the official bed of the Los Angeles River; thence southerly along the line last mentioned and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along the line last mentioned to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west, Twenty-first street to Maple avenue, Maple avenue to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary of the city of Los Angeles; thence easterly along the line last mentioned to the place of beginning, shall constitute the Twenty-ninth Senatorial District.

30. The counties of San Bernardino and Inyo shall constitute the Thirtieth Senatorial District.

31. All that portion of the county of Los Angeles embraced within and comprising the Seventy-first and Seventy-second Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-first Senatorial District.

32. The counties of Kings, Tulare and Kern shall constitute the Thirty-second Senatorial District.

33. All that portion of the county of Los Angeles embraced within and comprising the Sixty-eighth and Seventieth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-third Senatorial District.

34. All that portion of the county of Los Angeles embraced within and comprising the Sixty-second Assembly District, as designated and constituted by section ninety of this Code and all that portion of said county bounded as follows: Commencing at the intersection of the center line of Washington street and Hoover street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Seventh street, Seventh street to Vermont avenue, Vermont avenue to Melrose avenue, Melrose avenue to the west patent boundary line of said city; thence north along said patent boundary line to the northwest corner of said city as described in the United States patent; thence east along the north patent boundary of said city to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence northwesterly, westerly and southerly following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east

along said center line to the point of beginning, shall constitute the Thirty-fourth Senatorial District.

35. All that portion of the county of Los Angeles embraced within and comprising the Sixty-sixth and Sixty-ninth Assembly Districts, as designated and constituted by section ninety of this Code, shall constitute the Thirty-fifth Senatorial District.

36. All that portion of the county of Los Angeles embraced within and comprising the Sixty-seventh Assembly District as designated and constituted by section ninety of this code, and all that portion of said county embraced within and comprising the Sixty-first Assembly District, as so designated and constituted, excepting therefrom that portion of said Sixty-first Assembly District situate within the city of Los Angeles and lying west of the following described lines, to wit. Beginning at the intersection of the north patent boundary line of said city with the center line of the Los Angeles River; thence southeasterly and southerly along the center line of the Los Angeles River and the center line of the official bed of the Los Angeles River to its intersection with the center line of North Broadway from the east, shall constitute the Thirty-sixth Senatorial District.

37. All that portion of the county of Los Angeles described as follows. Beginning at the intersection of the center lines of Wall street and Fifth street, in the city of Los Angeles; thence along the center line of the following named streets, to wit. Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary line of the city of Los Angeles; thence west along said boundary line to the northwest corner of said city as described in the United States patent; thence south along the west patent boundary line of said city to the center line of Melrose avenue, thence along the center line of the following named streets, to wit: Melrose avenue to Vermont avenue, Vermont avenue to Seventh street, Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Blaine street, Blaine street to Tenth street, Tenth street to Georgia street, Georgia street to Ottawa street, Ottawa street to Figueroa street, Figueroa street to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, the place of beginning, shall constitute the Thirty-seventh Senatorial District.

38. All that portion of the county of Los Angeles bounded as follows: Beginning at the intersection of the center line of Maple street and Eleventh street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Eleventh street to Figueroa street, Figueroa street to Ottawa street, Ottawa street to Georgia street, Georgia street to Tenth street, Tenth street to Blaine street, Blaine street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles; thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west, Twenty-first street to Maple avenue, Maple avenue to Eleventh street, the place of beginning, shall constitute the Thirty-eighth Senatorial District.

39. The counties of Riverside, Orange and Imperial shall constitute the Thirty-ninth Senatorial District.

40. The county of San Diego shall constitute the Fortieth Senatorial District.

SEC. 2. Section ninety of the Political Code is hereby amended to read as follows:

90. The State is hereby divided into eighty assembly districts, respectively numbered and constituted as follows:

1. The counties of Del Norte and Siskiyou shall constitute the First Assembly District.

2. The county of Humboldt shall constitute the Second Assembly District.

3. The counties of Shasta and Trinity shall constitute the Third Assembly District.

4. The counties of Plumas, Lassen, Modoc and Sierra shall constitute the Fourth Assembly District.

5. The counties of Tehama, Glenn and Colusa shall constitute the Fifth Assembly District.

6. The county of Mendocino shall constitute the Sixth Assembly District.

7. The county of Butte shall constitute the Seventh Assembly District.

8. The counties of Yuba, Sutter and Yolo shall constitute the Eighth Assembly District.

9. The counties of Nevada and Placer shall constitute the Ninth Assembly District.

10. The county of Solano shall constitute the Tenth Assembly District.

11. The counties of Napa and Lake shall constitute the Eleventh Assembly District.

12. All that portion of the county of Sonoma comprising the following election precincts of nineteen hundred and ten, to wit: Bloomfield, Blucher, Bodega, Cazadero, Cotati, Dry Creek, Duncan's Mills, Forestville, Freestone, Graton, Healdsburg City numbers one to four inclusive, Healdsburg Road, Lakeville, Magnolia, Marin, Mendocino, Molino, Occidental, Penngrove, Petaluma numbers one to seven inclusive, East Redwood, West Redwood, Sebastopol numbers one and two, Skagg's Spring, Stewart's Point, Table Mountain, Timber Cove, Valley Ford, and Wilson, shall constitute the Twelfth Assembly District.

13. All that portion of the county of Sonoma not embraced in the Twelfth Assembly District shall constitute the Thirteenth Assembly District.

14. All that portion of the county of Sacramento, composed of that part of the city of Sacramento lying north of the center of "K" street, and east of the center of Thirty-first street, and all that portion of said Sacramento County included within the boundaries of "American Township," "Brighton Township," "Center Township," "Granite Township," "Mississippi Township," "Natoma Township," and "Sutter Township," as said townships existed on the first day of January, 1911, shall constitute the Fourteenth Assembly District.

15. All that portion of the county of Sacramento not included in the Fourteenth Assembly District shall constitute the Fifteenth Assembly District.

16. The counties of Amador, El Dorado, Alpine and Calaveras shall constitute the Sixteenth Assembly District.

17. The county of Marin shall constitute the Seventeenth Assembly District.

18. The county of Contra Costa shall constitute the Eighteenth Assembly District.

19. All that portion of the county of San Joaquin not included in the Twentieth District shall constitute the Nineteenth Assembly District.

20. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the Twentieth Assembly District.

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the waters of the Bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, shall constitute the Twenty-first Assembly District.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twentieth street with the center line of Bryant avenue, continuing thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo, thence easterly along said boundary line to the Bay of San Francisco, thence northerly along the shore line of the Bay of San Francisco to its intersection with the center line of Twentieth street, thence along the center line of Twentieth street to the point of beginning, shall constitute the Twenty-second Assembly District.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line westerly to the center line of San Jose avenue, thence along the center lines of the following named streets, to wit: San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning, shall constitute the Twenty-third Assembly District.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; thence along the center line of the following named streets, to wit: Dolores to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line, westerly, to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly, to the Sloat boulevard, thence along the center lines of the following named streets to wit: Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second street to Dolores, the place of beginning, shall constitute the Twenty-fourth Assembly District.

25. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Eighteenth street and Dolores street, continuing along the center lines of the following named streets, to wit: Dolores to

Twenty-ninth, Twenty-ninth to Mission, Mission to Army, Army to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth to Harrison, Harrison to Eighteenth, Eighteenth to Dolores, the point of commencement, shall constitute the Twenty-fifth Assembly District.

26. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister and Fillmore streets, continuing thence along the center line of the following named streets, to wit: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-second, Twenty-second to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton to Ashbury, Ashbury to Piedmont, Piedmont to Masonic avenue, Masonic avenue to Java street, Java street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Masonic avenue, Masonic avenue to McAllister street, McAllister street to Fillmore street, the place of beginning, shall constitute the Twenty-sixth Assembly District.

27. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Masonic avenue, thence along the center line of the following named streets, to wit: Masonic avenue to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Java street, Java street to Masonic avenue, Masonic avenue to Piedmont street, Piedmont street to Ashbury street, Ashbury street to Clayton street, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to Sloat boulevard, Sloat boulevard to the waters of the Pacific Ocean; thence along the shore line of said ocean northerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, shall constitute the Twenty-seventh Assembly District.

28. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Parker avenue, thence along the center line of the following named streets, to wit: Parker avenue to California street, California street to Maple avenue, Maple avenue to the southerly line of the Presidio Reservation; thence westerly along the southerly boundary of the Presidio Reservation to Lobos Creek; thence along the center line of Lobos Creek to the waters of the Pacific Ocean; thence westerly and southerly along the said shore line to Fulton street, Fulton street to Parker avenue, the point of beginning, together with the islands known as the Farallon Islands, shall constitute the Twenty-eighth Assembly District.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister street and Van Ness avenue, thence along the center lines of the following named streets, to wit: Van Ness avenue to Market street, Market street to Eleventh street, Eleventh street to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth street to Harrison street, Harrison street to Eighteenth street, Eighteenth street to Church street, Church street to Duboce avenue, Duboce avenue to Fillmore street, Fillmore street to McAllister street, McAllister street to Van Ness avenue, the place of beginning, shall constitute the Twenty-ninth Assembly District.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to McAllister street, McAllister to Masonic avenue, Masonic avenue to Fulton street, Fulton street to Parker avenue, Parker avenue to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the Thirtieth Assembly District.

31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to the bay of San Francisco, thence along the shore line of said bay to the waters of the Pacific Ocean; thence along the shore line of said ocean to Lobos Creek; thence along the line of said Lobos Creek to the southerly boundary line of Presidio Reservation; thence along said boundary line to Maple street, Maple street to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the Thirty-first Assembly District.

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing along the center line of the following named streets, to wit: Van Ness avenue to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Jones street, Jones street to Green street, Green street to Mason street, Mason street to Ellis street, Ellis street to Jones street, Jones street to Market street, Market street to Van Ness avenue, the point of beginning, shall constitute the Thirty-second Assembly District.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Market street and Jones street, con-

tinuing thence along the center line of the following named streets, to wit: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Jones. Jones to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market street to Jones street, the point of beginning, and the islands of the Bay of San Francisco within the city and county of San Francisco, shall constitute the Thirty-third Assembly District.

34. All of that portion of the county of Alameda lying easterly of a line described as follows: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda County; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland; thence northeasterly along the center line of Moss avenue and a direct extension of said center line to the northeasterly boundary line of the city of Oakland; thence following the said northeasterly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the Thirty-fourth Assembly District.

35. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of the county of Alameda; thence in an easterly and northerly direction along the boundary line of Alameda Township to the line dividing Brooklyn and Eden townships; thence in an easterly direction along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly following the said town line to the center line of East Fourteenth street; thence northwesterly following the center line of East Fourteenth street and an extension of the same to its intersection with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda Township; thence westerly following along the said northerly boundary line of Alameda Township to its intersection with the westerly boundary line of Alameda County; thence southeasterly along said county boundary line to the point of beginning, shall constitute the Thirty-fifth Assembly District.

36. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street, in the city of Oakland; thence northwesterly along the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn Township, in Lake Merritt, thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the city of Piedmont thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwesterly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue and the point of beginning, shall constitute the Thirty-sixth Assembly District.

37. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the eastern boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first, or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal Creek; thence westerly down the center of Temescal Creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along

the center of Broadway to the center of Thirteenth street, and point of beginning, shall constitute the Thirty-seventh Assembly District.

38 All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street; thence easterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning, shall constitute the Thirty-Eighth Assembly District.

39. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal Creek; thence westerly down the center of Temescal Creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and a direct extension of same to its intersection with the westerly boundary line of Alameda County; thence southerly along the westerly boundary line of Alameda County to its intersection with the line dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the center line of Twenty-second street and the point of beginning, shall constitute the Thirty-ninth Assembly District.

40. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal Creek; thence up the center of Temescal Creek to the center line of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center line of Codornices Creek; thence westerly down the center of Codornices Creek to the easterly boundary line of the town of Albany; thence northerly along the easterly boundary line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southerly boundary line of the city of Berkeley to the point of beginning, shall constitute the Fortieth Assembly District.

41. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first street or Vernon street, in the city of Oakland, thence easterly along the center line of Fifty-first or Vernon street to the center line of Broadway, thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of Oakland as the same existed prior to the annex of 1909 to its intersection with the northerly boundary line of the city of Piedmont; thence easterly following the northerly boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships, thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda County, thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany; thence southerly along the easterly boundary line of the town of Albany to its intersection with the center of Codornices Creek, thence easterly up the center of Codornices Creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first or Vernon street and the point of beginning, shall constitute the Forty-first Assembly District.

42. The county of San Mateo shall constitute the Forty-second Assembly District.

43. The county of Santa Cruz shall constitute the Forty-third Assembly District.

44. All that portion of the county of Santa Clara not included in the Forty-fifth Assembly District shall constitute the Forty-fourth Assembly District

45. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in 1910, to wit: Agnew, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas (numbers one and two), Mountain View (numbers one and two), Mount Hamilton, Orchard, Palo Alto (numbers one to five, inclusive), Purissima, San Jose (numbers one to twelve, inclusive), Santa Clara (numbers one to four, inclusive), Saratoga, Stanford, Stockton, Sunnyvale (numbers one and two), and University (numbers one and two), shall constitute the Forty-fifth Assembly District

46 The county of Stanislaus shall constitute the Forty-sixth Assembly District.

47. The counties of Mariposa, Tuolumne, Mono and Inyo shall constitute the Forty-seventh Assembly District.

48. The counties of Monterey and San Benito shall constitute the Forty-eighth Assembly District.

49. The counties of Merced and Madera shall constitute the Forty-ninth Assembly District.

50. All that portion of the county of Fresno comprising the precincts of Black Mountain, Balfour, Barstow, Bryant, Cantua, Central Colony, Coalinga No. 1, Coalinga No. 2, Coalinga No. 3, Coalinga No. 4, Coalinga No. 5, Crescent, Chicago, Fresno Colony, Fowler, Firebaugh, Houghton, Huron, Iowa, Jameson, Kerman, Kingsburg, Layton, Laguna, Liberty, Lewis Creek, Lucern, Madison, Mendota, Monroe, New Hope, Oleander, Panoche, Pleasant Valley, Terry, Washington Colony, Wildflower, Warthan, and West Park, shall constitute the Fiftieth Assembly District.

51. All that portion of the county of Fresno included in and comprising Fresno City precincts numbered one to twenty-five, both inclusive, and the precincts of Hedges, Belmont, Arlington and East Fresno, shall constitute the Fifty-first Assembly District.

52. All that portion of the county of Fresno not included in the Fiftieth and Fifty-first Assembly Districts, shall constitute the Fifty-second Assembly District

53. The county of San Luis Obispo shall constitute the Fifty-third Assembly District.

54. The county of Kings shall constitute the Fifty-fourth Assembly District.

55. The county of Tulare shall constitute the Fifty-fifth Assembly District.

56. The county of Kern shall constitute the Fifty-sixth Assembly District

57. All that portion of the county of San Bernardino now comprised within the following townships, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Oro Grande, and Barstow, shall constitute the Fifty-seventh Assembly District.

58. All that portion of the county of San Bernardino not included within the Fifty-seventh Assembly District, as fixed and defined in this Act, shall constitute the Fifty-eighth Assembly District.

59. The county of Santa Barbara shall constitute the Fifty-ninth Assembly District.

60 The county of Ventura shall constitute the Sixtieth Assembly District.

61. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: La Liebre, Del Sur, Lancaster, Palmdale, Acton, Newhall, San Fernando, Chatsworth, Calabasas, Lankershim, La Cañada, Sunland, Burbank, Glendale City, Eagle Rock, Annandale, Hermon, that part of Ivanhoe and of Tropico numbers one and two not included within the city of Los Angeles, as the boundaries of said city existed November 1, 1911, and the following described portion of the city of Los Angeles: Beginning at the northeast corner of said city as described in the United States patent; thence following the exterior boundary line of said city as the same existed November 1, 1911, north, northeasterly, easterly, northerly and easterly in a general northeasterly direction to the extreme northeastern corner of said city, thence along the north line of said city west, southwest and southerly following such exterior boundary line of said city to the north patent boundary thereof; thence along the same west to the center line of Alvarado street; thence along the center line of the following named streets, to wit: Alvarado street to Sunset boulevard, Sunset boulevard to Park Terrace, Park Terrace to Look Out Drive, Look Out Drive to Adobe street, Adobe street to Bernardo street, Bernardo street to North Broadway, North Broadway (crossing the official bed of the Los Angeles River) to Daly street, Daly street to Pasadena avenue Pasadena avenue to Avenue 35, Avenue 35 to Griffin avenue, Griffin avenue and its extension to the north patent boundary line of said city; thence east along said line to the place of beginning, shall constitute the Sixty-first Assembly District

62. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit, Redondo Beach City numbers one and two, Hermosa Beach City, Wiseburn, Inglewood City, Freeman, Del Rey, Ocean Park City numbers one, two and three, Moneta, Howard, Ballona,

Cienega, Santa Monica City numbers one, two, three, four, five, six, seven, eight and nine, Malibou, National Military Home numbers one, two, three, four, five and six, Sawtelle City numbers one, two and three, and Sherman, shall constitute the Sixty-second Assembly District.

63. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of Washington and Hoover streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Benton boulevard, Benton boulevard to Sixth street, Sixth street to Hoover street, Hoover street to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Sunset boulevard, Sunset boulevard to Alvarado street, Alvarado street to the north patent boundary of said city, thence along the same east to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911, thence northwesterly, westerly and southerly, following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct, so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east along said center line to the point of beginning, shall constitute the Sixty-third Assembly District.

64. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Hill and Seventh streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Hoover street, Hoover street to Sixth street, Sixth street to Benton boulevard, Benton boulevard to Hoover street, Hoover street to Seventh street, Seventh street to Hill street, the point of beginning, shall constitute the Sixty-fourth Assembly District.

65. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of North Broadway and Daly street, in the city of Los Angeles; thence along the center lines of the following named streets, to wit: North Broadway (crossing the official bed of the Los Angeles River) to Bernardo street, Bernardo street to Adobe street, Adobe street to College street, College street to Cleveland street, Cleveland street to Alpine street, Alpine street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Fifth street, Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and its easterly extension to the intersection with the center line of Gless street, Gless street to Fifth street, Fifth street to Pecan street, Pecan street to First street, First street to Pleasant avenue, Pleasant avenue to Brooklyn avenue, Brooklyn avenue to Macy street, Macy street to Gallardo street, Gallardo street to Mission Road, Mission Road to Daly street, Daly street to North Broadway, the point of beginning, shall constitute the Sixty-fifth Assembly District.

66. All that portion of the county of Los Angeles bounded as follows: Commencing at the northeastern corner of the city of Los Angeles, as the same is described in the United States patent; thence westerly along the northern patent boundary line of said city to the center line of Griffin avenue, or the northerly prolongation thereof, thence along the northerly prolongation of said center line and along the center line of the following named streets, to wit: Griffin avenue to Avenue 35, Avenue 35 to Pasadena avenue, Pasadena avenue to Daly street, Daly street to Mission Road, Mission Road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Gless street, Gless street to Sixth street, Sixth street and its extension westerly, along the line of Assembly District Number Sixty-five, as constituted and designated by this section, to the center line of the official bed of the Los Angeles River, thence southerly along said center line and its southerly prolongation to the south boundary of said city, thence east along said boundary line to the southeastern corner of said city; thence north along the east line of said city to the point of beginning, shall constitute the Sixty-sixth Assembly District.

67. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Pasadena City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three, and Altadena, shall constitute the Sixty-seventh Assembly District.

68. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Claremont City, La Verne, Lordsburg City, San Dimas, Pomona City

numbers one, two, three, four, five and six, Spadra, Azusa, Azusa City, Glendora, Covina, Covina City, Rowland, Rivera, Los Nietos, Whittier City numbers one, two, three, and four, and all of El Monte precinct except that portion thereof lying north of the westerly prolongation of the south line of Santa Anita precinct and except that portion thereof lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-eighth Assembly District.

69. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Monrovia City numbers one, two and three, Duarte, Arcadia City numbers one and two, Sierra Madre City, Lamanda numbers one and two, Santa Anita, San Gabriel, Alhambra City numbers one, two and three, South Pasadena City numbers one, two and three, Baird, Belvidere numbers one and two, Montebello, Laguna, Fruitland, Vernon City, Huntington Park City numbers one and two, that part of the precincts of Miramonte and Florence lying east of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and that part of the precinct of El Monte lying north of the westerly prolongation of the southerly line of Santa Anita precinct and also that part of said precinct of El Monte lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the Sixty-ninth Assembly District.

70. All that portion of the county of Los Angeles included within and comprising the following election precincts and parts of election precincts of nineteen hundred ten, to wit: Long Beach City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, Naples, Alamitos, Cerritos, Artesia, Norwalk, La Mirada, East Whittier, Downey numbers one and two, Clearwater, Willowbrook, Dominguez, Watts City, Compton City, and that part of Wilmington precinct which was annexed to the city of Long Beach prior to November 1, 1911, shall constitute the Seventieth Assembly District.

71. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Catalina, Lomita, Green Meadows, Gardena numbers one and two, all of Wilmington precinct, except the part which was prior to November 1, 1911, annexed to the city of Long Beach, that part of the precincts of Miramonte and Florence lying west of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and Los Angeles City precincts numbers one hundred ninety-two, one hundred ninety-three, one hundred ninety-four, one hundred ninety-seven, one hundred ninety-eight, one hundred ninety-nine, two hundred, two hundred four, two hundred five, two hundred six, two hundred seven, two hundred eight, two hundred eleven, two hundred thirteen two hundred eighteen, two hundred nineteen, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred twenty-six, two hundred twenty-seven, two hundred twenty-eight, two hundred twenty-nine and two hundred thirty, shall constitute the Seventy-first Assembly District.

72. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City numbers one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, one hundred seventy-one, one hundred seventy-two, one hundred seventy-three, one hundred seventy-four, one hundred seventy-five, one hundred seventy-six, one hundred seventy-eight, one hundred seventy-nine, one hundred eighty, one hundred eighty-one, one hundred eighty-two, one hundred eighty-three, one hundred eighty-four, one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one, that part of Los Angeles City precinct one hundred fifty-seven lying south of the center line of Jefferson street, and all of Los Angeles City precinct number one hundred seventy-seven, except that portion thereof bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the Seventy-second Assembly District.

73. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Main and Washington streets, in the city of Los Angeles, thence along the center line of the following named streets, to wit: Main street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue, or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles, thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Central avenue, Central avenue to Washington street, Washington street to Main street, the point of beginning, shall constitute the Seventy-third Assembly District.

74. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Fifth and Hill streets in the city of Los Angeles;

thence along the center line of the following named streets, to wit Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and the extension thereof along the line of Assembly District number sixty-five, as designated and constituted by this section, to the center line of the official bed of the Los Angeles River, thence southerly along the last mentioned line and the prolongation thereof to the south boundary line of the city of Los Angeles, thence westerly along said boundary line to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Central avenue, Central avenue to Washington street, Washington street to Hill street, Hill street to Fifth street, the point of beginning, shall constitute the Seventy-fourth Assembly District

75 All that portion of the county of Los Angeles bounded as follows Commencing at the intersection of Seventh and Hill streets, in the city of Los Angeles, thence along the center line of the following named streets, to wit: Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Main street, Main street to Washington street, Washington street to Hill street, Hill street to Seventh street, the point of beginning, shall constitute the Seventy-fifth Assembly District.

76 The county of Orange shall constitute the Seventy-sixth Assembly District.

77. The county of Riverside shall constitute the Seventy-seventh Assembly District

78. The county of Imperial shall constitute the Seventy-eighth Assembly District.

79. All that portion of the county of San Diego included within the corporate limits of the city of San Diego shall constitute the Seventy-ninth Assembly District.

80 All that portion of the county of San Diego not included in the Seventy-ninth Assembly District shall constitute the Eightieth Assembly District.

BOYNTON
ROSEBERRY,
Senate Committee
JUDSON,
BOHNETT,
Assembly Committee.

Mr. Bohnett moved the adoption of the report.

MOTION.

Mr. March moved that the consideration of the report be postponed until eight o'clock P. M.

Motion lost.

MOTION.

Mr. Coghlan moved that the Assembly take a recess until eight o'clock and five minutes P. M. of this day.

Roll call regularly demanded.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Beatty, Bliss, Brown, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Griffiths, Hall, Joel, Kennedy, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Rumlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, and Walsh—27.

NOES—Messrs Beckett, Benedict, Bennink, Bohnett, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wylhe, and Mr. Speaker—46.

The question reverting to the original motion.

TIME FOR DEBATE EXTENDED.

During the debate upon the question, Mr. Coghlan was granted an extension of time in which to complete his debate.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw,

Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Stevenot, Sutherland, Telfer, Tibbits, Wyllie, Young, and Mr. Speaker—48.

NOES—Messrs. Beatty, Bliss, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Hall, Jasper, Joel, Kennedy, Lyon of San Francisco, March, McDonald, McGowen, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Walsh, and Williams—28.

EXPLANATION OF VOTES.

The following were sent to the desk, and ordered printed in the Journal:

MR. SPEAKER: It has been asserted that I submitted a plan of reapportionment of the city of San Francisco, whereby said city was to be allowed twelve Assemblymen and six Senators. This is not true. I was, and am, bitterly opposed to an apportionment of San Francisco on that basis, yet fearing that, possibly, owing to the stand taken in the Assembly by the country members, such a bill might be passed, I deemed it my duty to change the lines of my own district from the lines which were in the original Randall bill, as those lines were not in any way satisfactory to me or to my constituents.

FRED C GERDES, Thirty-fifth District.

Also:

I hereby protest against the adoption of the report of the Committee on Free Conference on Assembly Bill No. 66, relating to the reapportionment of the State into legislative districts. I base my protest on the grounds that the measure is unjust, unreasonable and unconstitutional in that it does not give to the city and county of San Francisco and other sections of the State the representation in Senate and Assembly that the Constitution provides.

ARTHUR JOEL, Forty-second District.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendments Nos. 2, 5, 6, 7, 8, 9, 10, 11, and 12, have had the same under consideration, and respectfully report the same back without recommendation.

SUTHERLAND, Chairman.

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER: Your Committee on Conservation, to whom was referred Assembly Bill No. 18—have had the same under consideration, and respectfully report the same back without recommendation.

CLARK, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 4, Assembly Joint Resolution No 5, and Senate Joint Resolution No. 1, have had the same under consideration, and respectfully report the same back without recommendation

FREEMAN, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No 5, Assembly Bill No. 6, Assembly Bill No 27 Assembly Bill No. 28, Assembly Bill No. 31, Assembly Bill No. 34, Assembly Bill No 36, Assembly Bill No. 46, Assembly Bill No. 47, Assembly Bill No. 62, Senate Bill No. 10, and Assembly Constitutional Amendment No. 1, have had the same under consideration, and respectfully report the same back without recommendation.

YOUNG, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 13, Assembly Concurrent Resolution No. 3, and Assembly Concurrent Resolution No 5, have had the same under consideration, and respectfully report the same back without recommendation.

COGSWELL, Chairman.

ON COMMISSIONS AND PUBLIC EXPENDITURES

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 40, have had the same under consideration, and respectfully report the same back without recommendation.

DENEGRI, Chairman.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911

MR SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 23, have had the same under consideration, and respectfully report the same back without recommendation.

McGOWEN, Chairman.

ON REAPPORTIONMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Reapportionment, to whom was referred Assembly Bill No. 16, Assembly Bill No. 19, Assembly Bill No. 35, Assembly Bill No. 37, Assembly Bill No 43, Assembly Bill No. 51, Assembly Bill No. 52, and Assembly Bill No. 57, have had the same under consideration, and respectfully report the same back without recommendation.

BOHNETT, Chairman.

ON IRRIGATION AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No. 59 and Senate Bill No. 46, have had the same under consideration, and respectfully report the same back without recommendation.

LYON of Los Angeles, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 29, have had the same under consideration, and respectfully report the same back without recommendation.

KEHOE, Chairman.

RECESS.

At nine o'clock P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until ten o'clock and fifteen minutes P. M. of this day.

REASSEMBLED.

At ten o'clock and fifteen minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Concurrent Resolution No. 4—Relative to final adjournment of the thirty-ninth (extra) session of the Legislature of the State of California.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

SECOND READING OF BILL.

Assembly Bill No 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into Congressional districts, and defining and establishing such districts.

During the second reading of the bill, Mr. Rutherford moved that the Speaker appoint a select committee of one to amend the bill as follows

Strike out all after the word "follows" in line 4, page 1 of the printed bill, and insert in lieu thereof the following

"1. The counties of Del Norte, Humboldt, Mendocino, Glenn, Butte, Yuba, Sutter, Marin, Colusa, Lake and Sonoma shall constitute the First Congressional District.

2 The counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Mono and Inyo shall constitute the Second Congressional District.

3. The counties of Napa, Yolo, Sacramento, Solano, Contra Costa, and San Joaquin shall constitute the Third Congressional District

4. All that portion of the city and county of San Francisco comprising the Twenty-eighth, Thirty-first, Thirtieth, Thirty-second, Thirty-third and Twenty-first Assembly districts shall constitute the Fourth Congressional District.

5. All that portion of the city and county of San Francisco not included in the Fourth Congressional District shall constitute the Fifth Congressional District.

6. The county of Alameda shall constitute the Sixth Congressional District

7. The counties of Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern shall constitute the Seventh Congressional District

8 The counties of San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara and Ventura shall constitute the Eighth Congressional District.

9. All that portion of the county of Los Angeles comprising the Sixty-first, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth and Seventieth Assembly districts shall constitute the Ninth Congressional District.

10. All that portion of the county of Los Angeles not included in the Ninth Congressional District shall constitute the Tenth Congressional District.

11. The counties of San Bernardino, Riverside, Orange, San Diego and Imperial shall constitute the Eleventh Congressional District.

The Speaker appointed Mr. Rutherford as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 14, with instructions, do now report that the instructions of the Assembly have been carried out.

RUTHERFORD, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Bennink, Brown, Chandler, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hayes, Held, Jones, Kehoe, Kennedy, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—40.

NOES—Messrs. Beckett, Benedict, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Farwell, Hamilton, Harlan, Hinkle, Hinshaw, Judson, Lamb, Lyon of Los Angeles, Mendenhall, Mott, Polsley, Preisker, Randall, Slater, Smith, Wyllie, and Young—25.

INTRODUCTION OF BILL.

The following bill was introduced, and referred as indicated:

By Mr. Young: Assembly Bill No. 74—An Act providing for the nomination and election of Representatives in Congress at large.

Bill read first time, and referred to Committee on Election Laws.

RECESS.

At ten o'clock and thirty minutes P. M., on motion of Mr. Kehoe, the Assembly was declared at recess until eleven o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At eleven o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Assembly Bill No 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 1, 1901, and all other Acts in conflict with this Act—and the amendments to said bill therein contained.

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 74—An Act providing for the nomination and election of Representatives in Congress at large—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following: Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts—and report that the same has been correctly reengrossed.

FARWELL, Vice-Chairman.

THIRD READING OF BILL.

Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Rutherford moved a call of the house.

Motion carried.

Time, eleven o'clock and forty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Denegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Polsley, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—51.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and forty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Rutherford.

The roll of absentees was called, and Assembly Bill No. 14 passed by the following vote:

AYES—Messrs. Bennink, Bliss, Bohnett, Brown, Callaghan, Chandler, Cronin, Denegri, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hayes, Held, Hinkle, Jones, Judson, Kehoe, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—42.

NOES—Messrs. Benedict, Butler, Cattell, Clark, Farwell, Hamilton, Harlan, Hinshaw, Lamb, March, Polsley, Slater, and Young—13.

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At eleven o'clock and fifty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until nine o'clock and thirty minutes A. M. of Sunday, December 24, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Sunday, December 24, 1911.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—73.

Quorum present.

LEAVES OF ABSENCE.

On motion, Messrs. Lynch and Walker were granted leaves of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Walsh.

RESOLUTION.

The following resolution was offered:

By Mr. Young:

Resolved, That Assembly Bill No. 74 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—Mr. Williams—1.

SECOND READING OF BILL.

Assembly Bill No. 74—An Act providing for the nomination and election of Representatives in Congress at large.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Assembly Bill No. 74—An Act providing for the nomination and election of Representatives in Congress at large.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 74 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, December 18; Tuesday, December 19; Wednesday, December 20; Thursday, December 21; Friday, December 22; and Saturday, December 23, were approved as corrected by the Minute Clerk.

ANNOUNCEMENT.

The Speaker announced the appointment of the following committee to prepare arguments for and against the adoption of Assembly Constitutional Amendment No. 3: Messrs. Smith, Telfer, Williams, and Beckett (author) for the majority, and Messrs. Held and Schmitt for the minority.

RECESS.

At ten o'clock A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until ten o'clock and thirty minutes A. M. of this day.

REASSEMBLED.

At ten o'clock and thirty minutes A. M. the Assembly reconvened. Speaker Hewitt in the chair.

SENATE MESSAGE.

The following message from the Senate was taken up and read.

SENATE CHAMBER, SACRAMENTO, December 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency: Assembly Bill No. 74—An Act providing for the nomination and election of Representatives in Congress at large

WALTER N PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment.

GOVERNOR'S MESSAGE.

The following message from the Governor was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, December 24, 1911.

To the Legislature of the State of California:

It is represented to me that grave and imminent danger threatens the horticultural interests of the State of California. A pest known as the Mediterranean fly that has, in other parts of the world, absolutely destroyed the fruits of those sections, is being constantly brought by ships into the port of San Francisco. If this pest once gets into the orchards of California, the scientists agree that our great fruit industry will be ruined. Anything that affects our horticultural interests, among the most important that we have, of necessity affects the prosperity of the State. Any danger to those interests should be promptly met, and any remedy that can be supplied, of course, should be immediately forthcoming.

To keep this pest out of California, strict quarantine is necessary with the power in the representatives of the Horticultural Commissioner to board vessels, destroy fruits, etc We have now no such adequate law for the full protection of our horticulture, and to prevent this ruinous and destructive pest from obtaining a foothold in California, it is necessary that we give ample powers of quarantine to our officials.

I ask you, therefore, after your session closes at noon to-day, to remain until 12:05 for another extra session, which I have called for the purpose of having you act upon a quarantine measure submitted by the Attorney General and the Horticultural Commissioner.

HIRAM W. JOHNSON, Governor.

RECESS.

At ten o'clock and thirty-five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until ten o'clock and forty minutes P. M. of this day.

REASSEMBLED.

At ten o'clock and forty minutes A. M. the Assembly reconvened. Speaker Hewitt in the chair.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, December 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following, as amended: Assembly Bill No. 14—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts—and we respectfully request your honorable body to concur in the Senate amendments to said bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 14?"

On page 1, Section 1, line 10, strike out the following: "Mariposa, Mono and Inyo" and insert in lieu thereof the words "and Mariposa".

Also: On page 2, Section 1, line 38, after the comma following the word "Diego" insert the following: "Mono, Inyo".

Also: On page 2, Section 1, line 17, after the word "district" insert the following: "as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the Legislature, commencing November 27, 1911."

Also: On page 2, Section 1, line 32, after the word "district" insert: ", as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the Legislature, commencing November 27, 1911.".

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Rutherford moved a call of the House.

Motion carried.

Time, ten o'clock and forty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—62

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and fifty minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Rutherford.

The roll of absentees was called, and Senate amendments to Assembly Bill No. 14 were concurred in by the following vote:

AYES—Messrs. Beatty, Bennink, Bohnett, Brown, Callaghan, Chandler, Clark, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lyon of San Francisco, Maher, Malone, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Tibbits, Walsh, and Mr. Speaker—45.

NOES—Messrs. Beckett, Benedict, Bliss, Butler, Cattell, Cogswell, Farwell, Gaylord, Hamilton, Harlan, Jones, Lamb, Lyon of Los Angeles, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Slater, Stevenot, Stuckenbruck, Williams, Wilson, Wyllie, and Young—27.

Bill ordered to enrollment.

EXPLANATIONS OF VOTE.

The following were sent to the desk, and ordered printed in the Journal:

I voted to concur in Senate amendments to Assembly Bill No. 14 because the bill had passed each house, and was the only possibility for a congressional reapportionment at this session, and not because I believed it based upon a just representation, but believing it gave a better representation than at present.

W. E. HINSHAW.

I voted to concur in the Senate amendments to Assembly Bill No. 14, reapportioning congressional districts, only because I believed this Legislature should complete its reapportionment work. I refused to vote so long as there was any possibility of amendment of this bill into what I believed a more just measure.

WM. C. CLARK.

My vote was negative on the question of congressional reapportionment from the fact that, both as a member of the Reapportionment Committee and in the Assembly, I had felt that present congressional districts, already small in population, ought not to be still further contracted, when such action would serve no good purpose and at the same time would work a hardship on men already well representing the people.

C. C. YOUNG.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Bohnett:

Resolved, That L. B. Mallory, Chief Clerk of the Assembly, be and he is hereby authorized and empowered to receipt for any warrants due officers and members of the Assembly still in the hands of the State Controller after the close of this extraordinary session, and to mail the same to their respective places of residence.

Resolution read, and, on motion, adopted.

Also:

WHEREAS, It is necessary for H. A. Harper, Minute Clerk of the Assembly, to remain after the close of the session for the purpose of correcting and signing the Journals;

Resolved, That the sum of twenty dollars ($20) be and is hereby appropriated out of the Contingent Fund of the Assembly in favor of said H. A. Harper.

Resolved, further, That the State Controller be, and he is hereby, authorized and directed to draw his warrant upon the proper fund in favor of the above party, and the Treasurer is hereby authorized and directed to pay the same.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell,

Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None

By Mr. Cunningham:

Resolved, That this Assembly does hereby extend to our members, the Hon Frank J. Walker and the Hon Edward J Lynch, our best wishes for their speedy return to health and the greetings of the season.

Resolution read, and, on motion, adopted.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 24, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 66—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict with this Act

Assembly Bill No. 74—An Act providing for the nomination and election of Representatives in Congress at large.

And were presented to the Governor December 24, 1911, at eleven o'clock and thirty minutes A. M.

RANDALL, Chairman.

RECESS.

At eleven o'clock and thirty-five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until eleven o'clock and forty minutes A. M. of this day.

REASSEMBLED.

At eleven o'clock and forty minutes A. M. the Assembly reconvened Speaker Hewitt in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, December 24, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled

Assembly Bill No 14—An Act to amend section one hundred seventeen of the Poiltical Code, relating to the division of the State into congressional districts and defining and establishing such districts—and was presented to the Governor December 24, 1911, at eleven o'clock and thirty minutes A. M

RANDALL, Chairman.

RESOLUTION

The following resolution was offered:

By Mr. Held:

Resolved, That the Speaker appoint a committee of three to wait upon his Excellency, Governor Hiram W. Johnson, and inform him that the Assembly is ready to adjourn, and awaits his further pleasure.

Resolution read, and, on motion, adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. Held, Sutherland, and Lamb as such committee.

RESOLUTION.

The following resolution was offered:

By Mr. McDonald:

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is ready to adjourn, and ask if the Senate has any further communication to make to the Assembly.

Resolution read, and, on motion, was adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. McDonald, Rosendale, and Maher as such committee.

COMMITTEE FROM THE SENATE.

A committee from the Senate, consisting of Senators Bell, Welch, and Hurd, appeared before the bar of the Assembly and reported that the Senate had concluded its labors and was ready to adjourn.

REPORT OF SELECT COMMITTEES

The committee appointed to wait upon the Governor appeared before the bar of the Assembly and reported that they had waited upon the Governor, and that he had no further communication to make to the Assembly.

The committee to wait upon the Senate appeared before the bar of the Assembly, and reported that they had performed their duty.

READING AND APPROVAL OF MINUTES.

The minutes of Sunday, December 24 1911, were read, and, on motion of Mr. Bohnett, approved.

ADJOURNMENT.

At twelve o'clock M. of Sunday, December 24, 1911, the Hon A. H Hewitt, Speaker of the Assembly, announced that the time for final adjournment of the extra thirty-ninth session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned *sine die*.

A. H. HEWITT,
Speaker of the Assembly

H. G CATTELL,
Speaker pro tem. of the Assembly

L. B. MALLORY,
Chief Clerk of the Assembly

H. A. HARPER,
Minute Clerk of the Assembly

ARTHUR S. MOORE,
Journal Clerk of the Assembly